

The following is an abstract of the estimate for Military works :—

	Rs.	Rs.
1. Demolitions ...	1,79,585	
2. Fort George ...	10,00,000	1,79,585
3. Fort on Back Bay ...	3,51,000	
		13,51,000
4. Staff Officers' quarters, with land ...	15,00,000	
5. Warrant Officers' ditto ...	8,00,000	
6. Native Infantry Lines ...	20,00,000	41,00,000
7. Ordnance Office ...	30,700	
8. Commissariat Offices with land and temporary accommodation ...	1,30,896	
9. Military accounts ditto ...	5,25,134	
10. Commandant's Staff ...	58,300	
11. Medical Staff ...	63,500	
		8,09,530
Total ...		64,40,115

The proposed Civil works are as follows :—

	Rs.	Rs.
1. Roads ...	2,50,000	
2. Recreation grounds ...	75,000	
3. Fountain ...	11,126	3,36,126
4. Post Office, with land ...	8,00,000	
5. Telegraph Office, ditto ...	2,50,000	10,50,000
6. Official residences for Civil Officers of superior rank... 13,10,000		
7. Ditto for inferior grades ... 1,50,000		14,60,000
8. Secretariat Office ... 9,90,000		
9. Accounts " ... 3,09,550		
10. Collector, Stamps, Stationery Office ... 2,18,050		
11. Executive Engineer's Office... 1,11,400		
12. Rampart Committee's Office... 15,000		16,44,000
13. High Court House ... 20,50,000		
14. Small Cause Court ... 1,31,250		
15. Administrator General's Office 22,500		
16. Police Office ... 2,97,100		25,00,850
17. European General Hospital... 18,93,300		
18. Land for Dispensary ... 44,400		
19. Parsee Benevolent Institution 75,000		20,12,700
20. University Hall (land) ... 1,85,150		
21. School of Arts ... 1,50,000		
22. Cathedral Schools ... 97,000		
23. Scotch Kirk ditto ... 97,000		
24. Mechanic's Institute (land)... 50,000		5,79,150
25. Land round public buildings 9,60,000		9,60,000
Total ...		1,05,42,836

29. In making these comments on the general proposals as to these works, the Governor General in Council desires that it may be understood that he wishes to meet as far as possible the views of the Bombay Government regarding them, and to facilitate as much as possible the further operations in connexion with them. It has therefore been thought expedient at once to point out those works to which exception is taken, and those regarding which no question arises, so that the Bombay Government may be in a position to remove the objections, if on reconsideration it desires to press for the acceptance of the scheme as now sent up, and the way may be cleared for the final preparation of the designs and estimates and execution of the approved works without further question.

30. It may be added in explanation of the grounds on which some of the comments of the Government of India have been based, that while the Governor General in Council is quite disposed to allow all reasonable latitude to the Bombay Government in the detailed application of the funds specially set apart for these works, yet these funds are, in His Excellency's estimation, so far public and imperial monies, that their application must be limited by the same general considerations of policy and propriety that determine the application of all public money. His Excellency in Council, therefore, cannot admit that objects which would not under ordinary circumstances be fairly chargeable to the State, may in the present case be carried out by help of these funds, because a surplus remains after providing for all legitimate purposes.

(Extract.)

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic. cap. 67.

The Council met at Government House on Friday, the 20th, January 1865.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

The Hon'ble H. B. Harington.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble H. L. Anderson.

The Hon'ble Maharájá Vijayaráma Gajapati, Ráj Bahádúr of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádúr.

The Hon'ble G. Noble Taylor.

The Hon'ble W. Muir.

The Hon'ble R. N. Cust.

The Hon'ble Maharájá Dhíraj Mahtab Chand Bahádúr, Maharájá of Burdwan.

The Hon'ble D. Cowie.

INSURANCE COMPANIES' LIMITED LIABILITY BILL.

The Hon'ble MR. MAINE in moving for leave to introduce a Bill to enable Insurance Companies to be formed on the principle of Limited Liability said :—

"Sir, the immediate occasion of proposing this measure is a representation received from certain Native Gentlemen to the effect that they are prevented by what appears to be an accidental condition of the law from forming Life Insurance Companies on the principle of limited liability. They represent that the Life Insurance Companies now established in India are branches of English Companies registered in England, and that they rarely or never accept Native lives, probably from want of sufficient information, in the shape of vital statistics, for the calculation of the premiums. This difficulty the applicants think that they can get over; and no doubt they may be able to command sources of information which are not open to an European. But at the same time they urge that not only the persons assured, but the shareholders in such Companies will always

be Natives, and they say that no Native will embark in an undertaking of the kind unless it be formed upon that footing of limited liability on which English Insurance Companies may now be constituted. These gentlemen certainly appear to be in the right when they state that there is a difference between the English and the Indian law on the subject of liability, which cannot be justified. The course of legislation in the two countries has been as follows:—The earliest Limited Liability Act passed in England was the 18th and 19th Vic., cap. 133. Both Banking and Insurance Companies were exempted from the principle of that Act. The Indian enactment, Act XIX of 1857, was almost literally copied from it, and contained similar exceptions. Two years after the first English Act on the subject became law, a second Act passed—the 21st and 22nd Vic., cap. 91,—which repealed the exception as to Banking Companies. The Indian Legislature followed suit with Act VII of 1860, which also permitted Banks to be founded on the principle of limited liability. Lastly, in 1862, the English Parliament passed the 25th and 26th Vic., cap. 87, which permits all Insurance Companies, whether Life, Fire, or Marine, to have the benefit of limited liability; and while repealing this last exception, it consolidates the whole law respecting the registration, incorporation, and winding up of Joint Stock Companies. Sir, the only reason why I have not earlier asked your Excellency's permission to publish a Bill which shall follow English legislation in repealing the exception as to Insurance Companies is, that I have a great dislike of piecemeal legislation, and I was desirous that the new law, like the last English Statute, should be a consolidating Act, comprehending the whole law on the subject of limited liability. But, Sir, the pressure of legislative business has been so great that I have been prevented carrying out this design. The Council knows what the pressure is on its Committees; that we have before us two Codes—the Civil Procedure Code and the Indian Civil Code—which make the heaviest demands on our powers and our time, and that accordingly a comprehensive Bill such as I have described could not with advantage be submitted at present. Hence, as I do not wish to keep the applicants from what seems to me to be their right, I am driven to a mere amending Bill, like the former Indian Acts, simply extending the provisions of the older law to Insurance Companies constituted under limited liability. At the same time it is my opinion that the preparation of a consolidating law on the subject is one of the earliest tasks to which the Legislative Department should address itself, and I now throw out a suggestion for the consideration of the Council, and in particular, of the mercantile members, and indeed, of the Public generally—a suggestion which I do not think can be too much discussed—whether the opportunity should not be seized of such consolidating law to take that step which the English Parliament appears to be on the point of taking, and to legalize the form of limited liability which is known as commanditarius partnership. Sir, all the English law on the subject of limited liability has been taken from the French law, and it has always been matter of surprise to the best authorities on the subject that, while the English Legislature copied in its integrity the legal constitution of one sort of limited partnership—the *société anonyme* or Joint Stock Company Limited, now so familiar to

us—it refrained from trying an experiment which at first sight seems less hazardous, by transferring to English law the commanditarius partnership. This can only be accounted for by the fact that Englishmen were already somewhat familiar with limited liability in joint stock associations through the previous application of the principle to Chartered Companies. Sir, I need not do more than explain very briefly that a commanditarius partnership is a mixture of limited and unlimited liability: the ostensible partner—the acting and managing partner—trades under unlimited liability, but other persons are allowed to share in the profits of the Firm, provided that they register the amount of their advances and carefully abstain from interfering with the conduct of the business. These two last conditions—registration and abstinence from meddling with the management—are rigorously insisted on in order to close the door against obvious frauds. Sir, the English Parliament in its last session all but passed a Bill legalizing commanditarius partnership. But the reason why I suggest the question for special consideration in India is, that I think this form of limited liability particularly suited to the country. In France, it is considered the form of limited partnership peculiarly adapted to the business of retail tradesmen of the higher class. Such businesses mostly depend in an unusual degree on the skill and knowledge of the person who founded the Firm or conducted it to success; and commanditarius partnership has the advantage of giving the limited partners the utmost possible hold on the continued services of the person who created the fortunes of the Firm. When, then, I see, on this side of India, the businesses of the larger retail tradesmen freely converted into limited liability Companies, and investors freely embarking their money in the shares of such Companies, it does strike me as a little singular that the capitalist on this side of India should be tied down to that form of limited partnership which gives the limited partner the smallest and weakest hold on the continued assistance of that partner whose services, by the assumption, are of the greatest value. Of course, Sir, I only suggest the question now for general consideration. Before any Bill on the subject is published, your Excellency will probably see fit to ask the opinion of the Chamber of Commerce and other mercantile associations, and of any individuals whose views may be of authority on such matters."

The Hon'ble Mr. COWIE said that he did not propose to offer any opposition to the introduction of this Bill. It would stand upon its own merits when really introduced. But he wished to mention that, having held the opinion that the British Legislature exercised a wise discretion in excepting Insurance Societies from the operation of the Limited Liability Act, he was not at once prepared to admit the wisdom of a reversal of that step. He would not object to see Marine and Fire Insurance Companies brought under that Act, but he thought that Life Insurances stood upon a different footing. Most of these were taken out for the benefit of a family, and he considered there was a quasi sacred responsibility thrown upon an Office which undertook the risk, more than there was upon those who granted policies against loss by sea or by fire. He would be sorry to see the liability limited in those cases short of the whole property of the share-holders. He was quite aware that the large Insurance Companies at home enjoyed limited liability under their Acts of incorporation,



and if the Hon'ble Member (Mr. Maine) proposed any safeguards in his Bill, similar to those under which incorporation was obtained—such as the largeness of the paid-up and invested capital—his (Mr. Cowie's) objection to the measure would be greatly removed.

The Hon'ble Mr. MAINE said that he did not quite understand whether his hon'ble friend was aware that Insurance Companies, whether Life, Fire, or Marine, could now be freely formed in England on the footing of limited liability under the last Act he (Mr. Maine) had before cited. That being so, Mr. Maine must say that, when any commercial principle was sanctioned among the large, wealthy, and active mercantile community of England, there could not often be much ground for hesitating to adopt it in India. Moreover, there was nothing to prevent Life Insurance Companies formed in England under limited liability from establishing branches or agencies in India. Mr. Maine was under the impression that some of the Life Insurance Companies now trading in India were in fact trading under a limited liability derived from registration in England—at all events, there was nothing to prevent their availing themselves of the English law.

The Hon'ble Mr. HARRINGTON submitted that the discussion at the present time of the provisions of the Bill which his hon'ble colleague, Mr. Maine had asked for leave to introduce was irregular. Hon'ble Members had not yet received copies of the Bill and of the statement of Objects and Reasons. They did not know the precise form the Bill would take, or what would be the exact nature of its provisions, and they had not come prepared to discuss on that the principle of the Bill. Under the rules of the Council, the introduction of a Bill, after a copy had been circulated to all the Members of the Council with the statement of Objects and Reasons, was the proper time for discussing the principle of the Bill and its details.

The Motion was put and agreed to.

#### ACT XXXI OF 1860, CONTINUANCE BILL.

The Hon'ble Mr. MAINE, in moving for leave to introduce a Bill to continue Act XXXI of 1860 for one year from the expiration thereof, said that the measure which he proposed to continue for a single year, and which was known as the Arms Act, had excited considerable discussion when it was originally introduced by his hon'ble friend at his side, Mr. Harrington. It would not serve any useful purpose if he (Mr. Maine), who only knew that discussion, so to speak, by tradition, were to enter upon an enquiry whether the apprehensions of certain possible results of the measure felt at the time by a part of the community were justifiable or not. He would only say that the Government of India had required from all the local Governments and Administrations a report on the working of the measure, and especially as to its incidence on particular classes. Mr. Maine believed that these reports would show that no European in all India had been disarmed under the Act. The answers to these requisitions could not, however, come in very rapidly, since the enquiry had to be conducted over a very wide field, and with particular carefulness in the wilder parts of the country, where the law was sometimes reported to have encouraged the multiplication of wild beasts. It was not probable, or even possible, that there would be a sufficient interval, before the ex-

piration of the Act, to consider whether it should be perpetuated or prolonged. Mr. Maine did not suppose that the Council would refuse to continue for a year a law which, apart from questions of detail, had assuredly contributed largely to the extraordinary peace and security which India had been recently enjoying.

The motion was put and agreed to.

#### CIVIL COURTS' (CENTRAL PROVINCES) BILL.

The Hon'ble Mr. HARRINGTON introduced the Bill to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces, and moved that it be referred to a Select Committee with instructions to report in four weeks. He said that the Bill would apply only to the Central Provinces. It was desirable that the Bill should, if possible, become law during the present sittings of the Council. The Bill involved no question of principle; and the local authorities would have ample opportunity of submitting any remarks or suggestions which they might wish to make during the four weeks for which he had proposed that the Bill should be published.

The motion was put and agreed to.

#### FINANCIAL COMMISSIONER (OUDH) JURISDICTION BILL.

The Hon'ble Mr. CUST, in moving for leave to introduce a Bill to remove doubts with regard to the jurisdiction of the Financial Commissioner of Oudh, stated that this Bill was a portion of a Bill with a much wider object introduced into this Council on the 12th March 1862 by His Excellency the Governor General, Lord Canning, who remarked as follows:—

“The Bill went farther and dealt with suits of whatever description relating to the title to lands in Oudh. In regard to these, it restored the state of things subsisting in Oudh prior to the introduction of Act VIII of 1859. Before that time all such suits were adjudicated by the Revenue Authorities, subject to appeal to the Chief Commissioner as Financial Commissioner. Act VIII had been understood to alter the procedure, and to place such questions under the cognizance of the Civil Courts. There had been, however, doubts as to the operation of that Act in this respect, and it was therefore desirable that the law should be clearly defined. He deemed it far preferable that, in a country in the condition of Oudh, where our laws and system of legal procedure were not familiar to the people, where the Settlement was still a summary and temporary one, and where the Government had yet to feel its way to a wise, encouraging, and beneficial Settlement, questions relating to land should, as far as possible, continue to be dealt with as revenue questions, and not be brought within the scope of our Courts and law.”

No further action was taken: intermediately the Office of Financial Commissioner had been revived.

Apparently something was contemplated in 1862 beyond the scope of this Bill, which only provided for a change of tribunal, but left unchanged the law and procedure of the Province. The Revenue Courts of all grades would be special Courts of law for the trial of particular cases as long as it appeared to the Governor General in Council expedient that this deviation from the ordinary system should continue.

Opportunity was taken at the same time to enlarge the period of limitation, within which suits before these Courts could be heard, for rights in property as distinguished from rights of cultivation.

The Motion was put and agreed to.

## PARSEES' MARRIAGE AND DIVORCE BILL.

The Hon'ble Mr. ANDERSON introduced the Bill to define and amend the law relating to Marriage and Divorce among the Parsees, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said :—

"I have the honour, Sir, to submit the Bill which I recently received permission to introduce for defining and amending the Laws relating to Marriage and Divorce among the Parsees. I will first explain as briefly as I can the principal provisions of the measure.

In the first place the Bill prescribes the form in which Parsee marriages shall be celebrated, and provides that the parties shall not stand to each other within the prohibited degrees of consanguinity and affinity. In the first draft of the Parsee Code those degrees were stated, but as there is no doubt and no dispute regarding them, they have now been omitted, and it will be for the tribunal which will hereafter have cognizance of all cases arising out of Parsee marriages to determine what are, according to Parsee usage, the prohibited degrees. The Bill next provides for the due registration of Parsee marriages, and it will be sufficient for me to state upon this point that the provisions are taken from the English law upon the subject. It then details the grounds on which the dissolution of marriages may be permitted. These may be resolved into six divisions :—

1. Transportation for Life.
2. Lunacy at the time of marriage.
3. Desertion for seven years.
4. Impotency.
5. Change of religious belief after marriage.
6. Adultery.

It is also provided that cruelty shall be a ground on which a woman may obtain a judicial separation.

The measure proceeds to enact that in certain cases alimony should be granted to the divorced or judicially separated wife, and it also recognises and provides for suits for restitution of conjugal rights.

For the disposal of all cases arising out of this Act, and for the due enforcement of the obligations and duties connected with the marriage union, a special tribunal is provided. For this purpose the ancient institution of the Parsee Panchayat is revived, and is invested with full powers for the investigation and decision of matrimonial suits among Parsees. Rules are laid down for the examination of present and absent witnesses, and for the preservation of an adequate record of the investigation. Applications for the interference of the Panchayat are to be made in writing, and any false statement in such application will render the applicant liable to the penalties prescribed for giving or fabricating false evidence. The due performance of its duty by the Panchayat is secured by granting an appeal from its decisions to the High Courts of the respective Presidencies, on the ground of such decisions being contrary to law or to usage having the force of law, or on account of substantial error in the investigation of the case.

It is intended that there shall be a Panchayat, not only in the Island of Bombay, but in any district in which Parsees in any considerable number reside. The Bill provides that this Panchayat shall

be elected according to rules which shall be sanctioned and approved by the local Governments. I had at one time contemplated that provision should be made in the Act itself for rules as to the qualifications of electors and other similar questions, but I have thought it better to leave the matter, as one of executive administration, to the local Governments. But this view is, of course, subject to any modification which may be deemed advisable by the Select Committee.

There is one other point to which I should briefly allude. Provision is made that the Presidency of the Panchayat for the Town and District of Surat shall be hereditary in the family of Khursidji Dodabhai, Dawur of the Parsees of Surat. This provision is made because the office of Dawur, which may be translated spiritual Judge, has been held for centuries under adequate "parwānas" by this family. It is doubtful to what territorial extent the authority of the Dawur was acknowledged, but there can be no doubt that it has always been respected in Surat, and recognised by the Nāwabs of Surat and by the British Government. The claims of the present Dawur are commensurate rather with the former than the present relative importance of Surat; but the Government of Bombay has considered that it will be a fair solution of the difficulties which the claim presents if the Presidency of the Surat Panchayat be hereditarily vested in this family. In this view I entirely concur, and I should mention that the family has another and somewhat curious claim on the consideration of the British Government. The Council is well aware that Surat was the first place in which a British Factory was established. The new Power encountered, during the early part of its existence, very powerful opposition from the Portuguese and Muhammadans, and a very doubtful support from the Dutch. The supplies of the English were cut off by the intrigues and hostilities of their rivals, and the Factory would have been reduced to the greatest straits had not the ancestor of the present Dawur contrived to supply it secretly with provisions and water. The Dawur then obtained the name of the Modī, or supplier of provisions, a name retained by the family to the present day. I have seen a minute written at the close of the last century by the Hon'ble Jonathan Duncan, Governor of Bombay, in which he alludes to some dissensions and disturbances which occurred at Surat in 1757 and speaks of "the English Modī's nephews having been mortally wounded by the Sīdī's people from the Castle." It will thus be seen how entirely, more than a hundred years ago, this family had thrown in its lot with the British Government. I think, then, that a recognition of the position of the Dawurs of Surat is not only in itself most just and politic, but it is also a becoming tribute by the great British Government to a family whose ancestor rendered an important service to it when that Government was struggling into existence.

I have now briefly stated the provisions of the Bill which I have the honour to submit, and would now wish to offer a few explanatory remarks upon some of those provisions. I have stated that desertion for seven years constitutes a ground for divorce. This provision I regard as justified by a reference to the English and Scotch Law. By the Statute of 1857, desertion for two years is regarded as a ground for judicial separation. By the Scotch Law desertion for four years is regarded as



a ground for divorce. Bearing these systems in view, the proposed Law may be said to carry out the English Law if not to a logical, at least to a legal conclusion, while at the same time it is not so severely stringent as the Scotch Law.

Next, as to change of religion after marriage being constituted a ground of divorce. I think this provision, which embodies the view of the Government of Bombay, is a happy compromise between the extreme demand of the Parsees on the one hand, that any marriage contracted by one of their community with one professing another creed shall be *ipso facto* null and void, and the scruples of those on the other hand who regard marriage as a contract which can only be dissolved by death or by the commission of adultery by the woman. The Parsees urge, on behalf of their extreme view, that marriage is not regarded by Zoroastrians as a civil contract simply, but as being of the nature of a religious rite, and that a marriage of a Parsee with one of another faith cannot be celebrated. If a Parsee Priest were to solemnize such a marriage, his act would be irregular and invalid. But the answer to this is obvious. No one would wish to compel a Parsee Priest to solemnize such a marriage. No one would insist that a Parsee who had contracted such a marriage should still be regarded by his countrymen as a Zoroastrian. But the Legislature can only see in the union a civil contract, and it cannot consent to bastardize and to deprive of their legal rights the issue of such a marriage, entered into with full knowledge by both parties, according to the forms prescribed by the religion of the man or of the woman. On the other hand, with respect to a change of religious faith after marriage, there is, I think, great weight in the argument of the Parsees that marriages are only solemnized amongst members of their community, on the full understanding that both the parties profess, and always will profess, the religion of Zoroaster. A violation of this condition should, they urge, render the marriage voidable at the instance of either party. They state that, in any case of a change of religion, the parties would immediately separate, and they consider that if such separation occurs, it is better that there should be a dissolution of the union rather than that the parties should be tempted to immorality by the enforcement of a practical widowhood or widowerhood.

Next, as to adultery. The proposed law goes a step further than the English law on this point. The Council is aware that it is one of the points of difference between the Jewish and the Muhammadan law, that by the former divorce was never granted at the instance of the woman. The Muhammadan law, on the other hand, grants divorce to the woman on the ground of cruelty, and for other causes. The law of England, in its most recent enactment on the subject, following the Mosaic precedent, only gives a divorce for adultery under certain aggravating circumstances. The usage of the Parsees assimilates rather with the Muhammadan practices, and it is accordingly provided that a divorce shall be granted to the woman on the ground of adultery by her husband. But there are two provisions to which allusion should here for a moment be made. First, that the adultery which gives the wife a right to a divorce is not adultery with a courtesan; second, the rule just stated is qualified by the provision that, if the courtesan be openly brought to reside in the husband's house, the right of judicial separation

accrues to the wife. If these provisions be carefully considered, it will be found that they bring the spirit of the proposed law very nearly into unison with the spirit of the English law.

Proceeding from the examination of details to the consideration of the general Bill, I would take this opportunity of alluding to a difficulty which has occurred to the disciplined mind of my hon'ble friend Mr. Muir, and which he has had the kindness to communicate to me. He is reluctant as an English Legislator to be responsible in any degree for to extend his sanction in any manner to, usages which are inconsistent with his own ideas of right and wrong. This is not a difficulty which presents itself to my mind, but I can very easily understand that it may weigh heavily on the feelings of others. I shall propose, therefore, in Committee to declare in the preamble, as I have already done in the Statement of Objects and Reasons, that the Bill is prepared entirely at the instance of the Parsees, and in consonance with Parsee feelings and usages, thus carefully providing that no sanction is intended to the character of such usages by a British Legislature. At the same time I feel bound to declare that, if for the words "such marriages shall be solemnized according to the Parsee form commonly called 'Asirvad'" were substituted the words, shall be solemnized according to the form prescribed in the Book of Common Prayer; and if for Panchayats were substituted the words "Spiritual Courts," I do not think there is a provision in the Bill which has not in substance, at some time or other, been enacted by Christian Legislatures for the government of Christian subjects.

I stated on a former occasion that the necessity for this measure had been demonstrated by a decision of Her Majesty's Privy Council in 1856, which left the Parsees without any tribunal for the vindication of obligations arising out of the marriage union. But the necessity for legislation had long been foreseen. In 1837 Sir John Awdry, who was not only a consummate Judge, but a scholar of large and liberal views, a member of that distinguished society, the fellows of Oriel, who during the present century have exercised so remarkable an influence on English thought, expressed himself as follows in a letter addressed to a leading Parsee gentleman:—"I quite concur in your wish that the Panchayat may be placed on a footing which will enable that body still to command the respect of your nation; that it should be invested with some definite authority in Ecclesiastical and Matrimonial questions. As the subject is a very delicate one, I will only advert to one point which is connected with the subject of inheritance. I hope that it will be empowered to decide in such mode as the Civil Courts can recognise on the validity of all marriages between Parsees. An enactment that on these points embraced the usages of Parsees should have the force of Law would, I think, be desirable." Similar views to these were expressed in 1843 by Sir E. Perry, another distinguished Judge. And in the present day, the claims of the Parsees have found their ablest advocate in a third Judge, Sir Joseph Arnould.

Supported, then, by the high reputations of these eminent Jurists, Sir John Awdry, Sir E. Perry, and Sir J. Arnould, I think I may appeal with confidence to the justice of the assembly which I have now the honour to address. The Parsees will day by day prove themselves more efficient

as an agency by which the civilization of the West will be able to influence the destiny of this magnificent country. I would recall to the Council the fact that, above a thousand years ago, when the Fire-worshippers, driven from their native country, sought a refuge in India, they received from one whom we might term a Barbarian Prince not only the bread and salt of Oriental hospitality, but the liberty of independent occupation and permission for the free exercise of the observances of their ancient faith. We have before us a class of our fellow subjects who ask this Council to save them from moral degradation. The remnant of a great historic race have, by the operation of our legal tribunals, been left, in respect to a most important relation of life, without law. They have not revelled in the base license thus afforded; they cleave to the purer instincts of man's nobler nature. Much as all who know the Parsees must applaud their lofty public spirit, this demand so long, so patiently, so consistently urged, for the sanction of a moral law, has the greatest claim to our admiration. From the time when the Dawur of Surat afforded aid to our first Factory, to the time when Sir Jamsetjee Jeejeebhoy called on his countrymen to stand by the British Government with their fortunes as they would, if need were, with their lives, the Parsees have ever been faithful and loyal to our rule. They asked in the eighth century a poor Rana of Sanjem for the boon of religious liberty, and he granted it to them. They ask in the nineteenth century from the great British Government the vindication by enactment of their moral law. I trust it is not possible that they can ask in vain.

I have the honour to introduce the Bill, and to move that it be referred to a Select Committee, with instructions to report in six weeks."

The Hon'ble MR. COWIE said that he acknowledged himself no friend to exceptional legislation for the creeds and classes of India, but he considered that the unvarying loyalty, integrity, and public spirit of the Parsee community had richly earned a title to such exception, and he therefore had pleasure in voting for this Bill.

The Hon'ble RAJA SAHIB DYAL BAHADUR said that, although the Bill provided simply for the use of a Panchayat, still, before making it over to the Committee, it should be submitted for the inspection of a member of the Parsee community that he might have an opportunity to note his objections.

The Hon'ble MR. MUIR said that, as his hon'ble friend the mover of the Bill had alluded to him, he would offer a few remarks upon the Bill. He confessed that he was at first in doubt as to the attitude which this Council should assume toward a measure which professed to lay down the law in respect of the social usages of a class of the community. But upon consideration he believed that a broad distinction might be drawn between the framing and enacting provisions of a social character for a particular class, and the recognizing of existing laws and usages, so as those laws and usages were not injurious to society or opposed to the grand principles of morality.

He thought that the Parsee laws and usages embodied in the Bill might rightly be decided to fall within this latter category. They were certainly greatly in advance of the laws and usages on the same subject of any other portion of the Native

community. This was evident from the fact that no other class of Native society would venture to propose that the penalties of the Criminal Code for bigamy should be made applicable to them. But if this Council made the penalties of that Code applicable to the Parsees, it appeared to him absolutely necessary that an efficient provision be made for the registration of Parsee marriages, and for declaring under what circumstances divorce and remarriage were legal; otherwise either bigamy might be practised with impunity, or individuals might be exposed to punishment for bigamy, where bigamy by the laws and usages of the community had not really been committed. He believed that a Panchayat, appointed by the people themselves, was the best possible tribunal for adjudicating such cases.

But it might be asked, why not allow the Panchayat to be themselves the judge of what the local usages were; to determine the law as well as administer it. This seemed to be the purport of the remarks quoted by his hon'ble friend from Sir John Awdry, and other Judicial authorities. The Parsees were, however, scattered throughout the country, and there would be this objection to leaving the usages as to marriage and divorce undetermined, that difference of practice might arise in different quarters, and the decisions of one Panchayat might clash with those of another.

He thought, then, that it was right to lay down what the social Code of the Parsees on the subject was, and then to leave the Panchayats to administer it. The onus of deciding such cases, at least in the first instance, would thus be taken from our own Courts. He believed that the measures proposed in the Bill would tend materially towards the purity and welfare of the Parsee society.

But in saying this, it seemed to him that it should be made to appear in the drawing of the Bill that this Council was not prescribing social laws for the Parsees, but was only recognizing and declaring the ancient and well-known usages of that community. This might be secured, not only by the Preamble, but throughout the Bill, by reciting the rules for marriage and divorce, wherever they were embodied in the Act, as the ancient usages of the Zoroastrian faith, and the existing practice of the community, or if not of the whole community, at all events of the great majority. If this were done, he did not see that any objection on principle could be taken to Mr. Anderson's Bill.

There was but one other observation he had to make, and that was in the same line as the remark which had fallen from his hon'ble friend Rajah Sahib Dyal, who had preceded him; namely, that ample opportunity should be given to the Parsee community for stating, in reference to the provisions of the Bill, whether they were really so completely in conformity with the ancient law and existing usages of the Zoroastrians as to justify the Council in their adoption. He thought, therefore, that six weeks (as proposed by Mr. Anderson) was too short a time for the Committee to furnish their report; and that a considerably longer period ought to be allowed in order that the Council might be placed in possession of the views of the Parsee community in respect of their usages. Subject to these remarks he should not object to give his vote in favour of the motion.

The Hon'ble MR. HARRINGTON said he regretted that the pressure of other duties had prevented him from giving to this Bill the careful considera-



tion to which its importance entitled it, or rather from reading through the whole of the voluminous correspondence which had at different times been printed on the subject of the Bill, and a careful study of which might have had the effect of removing some of the objections which he entertained to the Bill in its present form. These objections related chiefly, indeed he might say entirely, to the details of the Bill. He had no wish to oppose the introduction of the Bill or the motion for the reference of the Bill to a Select Committee, but as regarded the proposed instruction to the Select Committee, he agreed with Mr. Muir that it was not desirable that they should reduce by one-half the period for which, under the standing Rules of the Council, Bills were required to be published before the Select Committees to which they were referred could make their report, or before the Bills could be passed into law. The Rules of the Council had been framed after very full and careful consideration. None of the Rules was more important than the one to which he was now referring. The Select Committee which prepared the Rules, considered that it would not be right to fix a shorter period for the publication of Bills intended to apply to all parts of India, which was the case with the present Bill, than twelve weeks. If the Committee committed any error in the framing of this Rule, he thought it could not be said that it was on the side of prescribing too long a period for the publication of Bills. He had always been of opinion that no suspension of this particular Rule should be allowed unless upon the strongest grounds, or to meet a great emergency. When a Bill involved no question of principle, and related only to a small tract of country, its publication for six weeks or even a shorter period might be sufficient. This was the character of the Bill which he had just introduced regarding the Civil Courts of the Central Provinces. But the Bill which they were now considering was very different, and he thought that it ought to be published for the full period required by the standing Rules of the Council. Naturally the Parsee community were very anxious that the Bill should pass in either its present or some modified form on an early date, and he was sure that every Hon'ble Member was desirous of meeting their wishes so far as this could be done with propriety; but having waited so long, he did not think that they would be imposing any great hardship upon the Members of this community if they asked that the present Bill should be published for the usual period, although, as a consequence, the Bill might not pass into law during the present sitting of the Council, or until the Council again met for legislative purposes. As regarded divorce, the Parsee community was not in a worse position than the whole of the Christian community in India. At present there was no law under which a divorce could be obtained by a Native Christian, and European Christians were obliged to resort to the Courts in Europe in order to obtain a divorce. It was scarcely necessary for him to say that, in the great majority of cases, this was tantamount to a denial of the right, the expense being more than most persons could bear.

He had no remarks to make at present on the part of the Bill which related to the marriage of Parsees. But he was bound to say that he had looked in vain in the remarks with which his hon'ble colleague had prefaced his motion for leave to introduce the Bill, in what had fallen from his

hon'ble colleague to-day, and in the Statement of Objects and Reasons, which he might mention had reached him only yesterday, for anything which would justify their setting aside altogether the local Civil Courts, or the constituted tribunals of the country for the trial and decision of the important and delicate questions which would arise under the Bill, as was proposed, and devolving the trial and decision of those questions upon an irresponsible tribunal, which possessed no particular aptitude for the duty to be entrusted to it, on which public opinion would not be brought to bear, and which, as a body, would not be answerable to the Government for the way in which it discharged its functions. Indeed, as the Bill now stood, he had great doubts whether a member of a Pancháyat, constituted under the Bill, would be a public servant, within the definition of the Indian Penal Code, and if he was not a public servant, as so defined, he would not be liable to the penalties prescribed by the Code for public servants guilty of any misfeasance. If the questions which would have to be determined under the Bill were questions of religion or caste or usage, or if they were questions peculiar to the Parsee community, there might be some reason for what was now proposed; but such was not the case. The questions were for the most part questions of fact common to all classes, and to be determined by evidence. He believed that he was right in saying that the grounds upon which a divorce might be obtained under the Bill had been imported into the Bill with one or two exceptions from the law of England, but having been so imported, the Bill, instead of making the questions which might arise on those grounds triable by the constituted Courts of the country—that was, by Courts presided over by Judges or qualified Officers who were in the habit of enquiring into, and deciding disputed questions of law and fact, and who alone were competent properly and satisfactorily to deal with such questions—proposed to leave their decision to what he must again call irresponsible tribunals possessing no special qualifications for the duty. Whatever might be the case in the Presidency Towns, it seemed to him very doubtful whether in the Mofussil the Pancháyets to be constituted under the Bill would possess the necessary machinery for carrying out the provisions of the Bill, or for enforcing their orders. He would refer particularly to two of the grounds mentioned in Section 13 of the Bill on which a divorce might be obtained. The right determination of cases instituted upon those grounds would often depend altogether upon skilled testimony or medical evidence of a high order, and, in almost every instance, would involve very delicate enquiries; but how would Pancháyets in remote Mofussil places be able to obtain such testimony on which any reliance could be placed, or to make such enquiries? Furthermore, if he rightly understood the Bill as intending entirely to oust the jurisdiction of the local Civil Courts or to deprive those Courts of all jurisdiction in cases arising under the Bill, it seemed to him that it would often happen that there would be no tribunals to which persons wishing to avail themselves of the provisions of the Bill, and to obtain a divorce on any of the grounds mentioned, would be able to resort. He believed there were very many places where Parsees were now or would hereafter be found residing, in which it would be impossible to convene a Pancháyat in the manner provided by

the Bill. These persons would be excluded from the local Courts, and no provision was made for their going elsewhere. Indeed, as the Bill was worded, Pancháyets could not be convened under its provisions on this side of India or out of the Presidencies of Madras and Bombay. That this arose from inadvertence and was not intentional was clear from what his hon'ble colleague had said on the subject of the local Governments and the powers to be exercised by them under the Bill; but he had thought it right to notice the circumstance.

He observed that the Bill made a change of religion a ground for a divorce. Their hon'ble colleague told them that it was an understood thing amongst Parsees, that if either party changed the religion which was common to them both at the time of their marriage, the change would be a ground for the dissolution of the marriage. If this was the understanding, or if such was Parsee usage, neither party could complain of its being acted upon, and in this respect the present Bill was not open to the same objection which appeared to him to exist to the Bill of his hon'ble colleague, Mr. Maine, relating to the remarriage of Native Converts to Christianity. As that Bill applied also to Parsees, he did not feel certain that the two Bills might not conflict, or that they could properly co-exist in respect of the provision to which he had just referred.

As regard to the Town and District of Surat, it might be quite proper that the Office of President of Pancháyets convened there under the Bill should be held in the manner provided in the 28th Section, supposing the senior representative of the family named was of age and otherwise competent; but if he was a child or of weak intellect or otherwise unfitted to be President, he ought not to hold the office, and some other person should be appointed in his room. The Bill should provide for such a contingency. Stress had been laid upon the provision made in the Bill for an appeal to the High Court; but the appeal was to be allowed only on very special grounds, and he did not see how the High Court could properly deal with the misconduct of a Pancháyet or any of its members, committed, it might be, at the other end of the Presidency to which the jurisdiction of the Court extended. He would not notice further the details of the Bill at this time though he might mention that he understood that differences of opinion existed amongst the Parsees themselves, as to some of the provisions of the Bill. He could not conclude his remarks without expressing an earnest hope that the Select Committee, to which the Bill might be referred, would restore the jurisdiction of the Civil Courts, or devolve upon them the duty of administering the law, whatever form it might take. The Civil Courts might be allowed to call in Pancháyets, constituted as proposed, as jurors or assessors, and to avail themselves of their services in either of those capacities. In this way they could be legitimately employed and might be most useful. He most entirely concurred with his hon'ble colleague in all that he had said to-day and on former occasions of the intelligence, advanced civilization, loyalty and general good conduct of the Parsee community, as well as of their munificent donations to charities and other benevolent or public objects. These had been more than Royal. He readily admitted that the Parsee Community was entitled to the fullest consideration from this Coun-

cil, but he thought that the Council should show its consideration for that community by giving it, not bad, but good laws. He could not bring himself to believe that the part of the Bill relating to divorce, to which his remarks were intended to apply, would, as the Bill was now framed, fall within the latter category.

The Hon'ble Mr. MAINE suggested that his hon'ble friend should omit any mention of the period within which the report was to be made; the result would be that the Committee would report whenever it felt itself in a position to do so.

The Hon'ble Mr. ANDERSON:—"I willingly adopt the suggestion of my hon'ble friend Mr. Maine. With respect to what has been urged by the Hon'ble Rájá Sáhib Dyál, the Hon'ble Mr. Muir, and the Hon'ble Mr. Harington, I trust the Council will bear with me if I offer a few words in reply. I would explain that this Bill is the Bill of the Parsees themselves, that they have pressed it upon the attention of the Legislature directly for five years, and indirectly for a much longer period. Its substance, as a part of the Parsee Code, was brought before the former Legislative Council and referred to a Select Committee. That Committee considered that sufficient information was not before it, and suggested that further investigation should be held. The Government of India recommended to the Government of Bombay that a Commission should be appointed thoroughly to examine and report on the whole subject. The Government of Bombay appointed a Commission of which two Parsee gentlemen of very high character, and the Hon'ble Mr. Newton, a Judge of the High Court, who has been upwards of twenty years in India, who knows the Parsees as intimately as the Hon'ble Mr. Harington knows the Bengalees—I beg pardon, the inhabitants of the North-West Provinces—were Members, and Sir Joseph Arnould was President. This Commission examined many witnesses and considered many documents: they referred some doubtful questions to Professor Haug, perhaps the most profound scholar in Zend literature in the world: they had repeated discussions, and at length submitted, what the Government of Bombay termed, a lucid and exhaustive report, for which they received the cordial thanks of Her Majesty's Secretary of State. The subject again came before the Government of India, again before the Secretary of State; no opposition has ever been expressed by these high authorities to the grant of the prayer of the Parsees relative to marriage and divorce, and the present Bill has now been introduced in accordance with the opinion of the Secretary of State. To ask the Parsees if they have any objection to the Bill, is to convert them in to a *ludibrium*. You might as well ask the opinion of the Judges at Westminster as to the propriety of Magna Charta. I would state for the information of my hon'ble friends, that the Parsees in Bombay have constituted a Law Association which has prepared this Bill, which has gone over all its provisions again and again, and which has weighed each detail with painful scrupulosity. They have asked for more than this Bill, for instance, that the obligations of betrothals should be vindicated, but they certainly will not be willing to take less. I trust, therefore, that the Council will not perpetrate the cruel mockery of postponing the final consideration of this measure in order that the



Parsees may have longer time to consider its provisions.

My Hon'ble friend Mr. Harington has stated that there is a difference of opinion among the Parsees themselves as to this measure. I must assure the Council that the Hon'ble gentleman is under a misapprehension. There is some difference of opinion among them as to the part of their Draft Code relative to inheritance, but none as to the part relative to Marriage and Divorce, which is alone included in the present measure.

He has also urged that this measure does not consist with my hon'ble friend Mr. Maine's Bill for the remarriage of Native Converts; that they cannot both be enacted. I submit that they can; they are perfectly distinct. Under Mr. Maine's Bill, permission to remarry is granted at the instance of the Convert: under the present Bill, at the instance of the Unconverted.

Then my hon'ble friend urges that the Civil Courts should have jurisdiction in suits under this Bill. To this I would answer, first, that appeal is granted from the decisions of Pancháyats to the High Courts, not only on legal and technical grounds, but on the ground of substantial error in the investigation. But beyond this, I must submit that the Panchayat is a far more appropriate tribunal for the trial of these domestic and delicate suits, than Law Courts presided over by strangers. Our Civil Courts have quite enough on their hands, without bringing suits of this kind on their files. What is to be gained by compelling Parsees to bring their suits into our Courts, by obliging them to unveil the secrets of domestic life? I have always regarded the Divorce Act of 1857 as a most beneficial measure; but I think any man of right feeling would prefer that if possible the proceedings of the Court should not be subject to their present revolting publicity. Is it just or politic to subject men and women of another creed and race to such a system if it can reasonably and justly be avoided? It cannot be supposed that the Parsees, after a residence in India of a thousand years, have not imbibed from the races around them some of the peculiar jealousy of Hindus and Muhammadans as to interference with domestic life.

My hon'ble friend has made some objections to certain points of detail in the Bill, which can be better considered in Committee, and which, therefore, I will not notice now. But as to his wish to postpone this Bill, under the delusion of further inquiry being necessary, I must state that such a course is equally unjust and impolitic, and can only be regarded by the Parsees with mingled scorn and indignation, and bring nothing but discredit on this Council. I am always bound to speak with respect of my hon'ble friend Mr. Harington: I have had many opportunities of admiring in this Council, and especially in the Committees of this Council, his great ability and many accomplishments, but remarkable as his ability is, I fervently trust it will not prevail on the present occasion."

The Hon'ble Mr. Harington said he would ask the permission of His Excellency the President to say a few words in reference to the remarks which had fallen from their hon'ble colleague, in replying to the objections which had been taken by himself and other Hon'ble Mem-

bers to the suspension of the Rule which required the publication of Bills for a period of twelve weeks. He did not wish to impute blame to his hon'ble colleague, but he must be allowed to say that, for any delay that might occur in the passing of the Bill, his hon'ble colleague and not he (Mr. Harington) was responsible. The Bill having been prepared for so long a time as they were told was the case, why, he would ask, was it not published during the recess under the rule which admitted of such publication, or why was the Bill not introduced immediately after the Council met, now some weeks ago, or why had the introduction of the Bill been deferred until this late period, when, in order to its being passed during the present meeting of the Council, it had been thought necessary to ask that recourse should be had to the exceptional measure of suspending the rule which fixed the time for the publication of Bills. He must repeat that if, owing to the observance of the standing Rules of the Council, the Bill should not pass during the present meeting of the Council, the responsibility of the delay would rest rather with his hon'ble colleague than himself, by reason of the late period at which the Bill had been introduced.

The Hon'ble Mr. Anderson:—"I cannot for one moment admit the justice of the Hon'ble Member's remark. He seems to forget that the class of our fellow subjects, which is interested in this discussion, dwells at a very great distance from Calcutta. I could do nothing in relation to this measure until my hon'ble friend Mr. Maine had introduced the Indian Civil Code. I then stated that I proposed to separate the part of the Parsee Draft Code which related to marriage and divorce from the part connected with inheritance and succession, and to bring on the former as a distinct measure on an early occasion. My hands were, however, still bound until I could ascertain whether the Parsees approved of this course. On receiving from the President of the Parsee Law Association an expression of his approval, I lost no time in preparing and introducing the measure. I did not express any surprise that my hon'ble friend Mr. Muir should consider six weeks too short a time for the consideration of the Bill by a Select Committee, but I did express, and do express, the greatest surprise that suggestion for further delay should come from the Hon'ble Mr. Harington, who knew well how long the Parsees have urged their claims to relief on the attention of the Government of India. The Hon'ble Member also knows how fully and entirely the attention of the Committees of the Council has been occupied with the Code of Civil Procedure, with the Indian Civil Code, with the Grand Jury Bill, and other measures, and how impossible it would have been for a Committee to enter on the consideration of this Bill before the present time, had it been possible, which it was not, for me to have brought forward the measure at an earlier period. I cannot, therefore, in the slightest degree, admit the justice of my hon'ble friends' strictures.

The Hon'ble Mr. Muir said, he begged to make but one remark in explanation of what had fallen from his hon'ble friend (Mr. Anderson) to the effect that a lengthened correspondence had taken place on the subject of this Bill. The correspondence had not been circulated with the Bill, nor

noticed in the Statement of Objects and Reasons, and he certainly had no cognizance of it.

The Motion was put and agreed to.

#### RURAL POLICE (N. W. PROVINCES) BILL.

The Hon'ble Mr. MUIR postponed the presentation of the report of the Select Committee on the Bill to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces.

The following Select Committees were named:—

On the Bill to define the jurisdiction of the Courts of Civil Judicature in the Central Pro-

vinces—The Hon'ble Messrs. HARRINGTON, MAINE and CUST.

On the Bill to define and amend the law relating to Marriage and Divorce among the Parsees—The Hon'ble Messrs. HARRINGTON, MAINE, and ANDERSON, the Hon'ble the Maharaja of Vizianagram, and the Hon'ble Messrs. MUIR and CUST.

The Council then adjourned.

WHITLEY STOKES,

*Offg. Asst. Secy. to the Govt. of India,  
Home Dept., (Legislative).*

CALCUTTA,

*The 20th January 1865.*





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CALCUTTA, SATURDAY, FEBRUARY 4, 1865.

Home Department.

## LEGISLATIVE.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th January 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

No. 29 of 1864.

### *A Bill to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.*

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces; It is enacted as follows:—

1. This Act shall be called "The Central Provinces Courts' Act, 1865."

Short title.

2. In this Act—  
"Assistant Commissioner" shall include Extra Assistant Commissioner.

Interpretation clause.  
Assistant Commis-  
sioner.

3. There shall be eight grades of Courts in the Central Provinces, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely:—

- (1). The Court of the Tahsildar of the first class.
- (2). The Court of the Tahsildar of the second class.
- (3). The Court of the Assistant Commissioner of the first class.
- (4). The Court of the Assistant Commissioner of the second class.
- (5). The Court of the Assistant Commissioner of the third class.
- (6). The Court of the Deputy Commissioner.
- (7). The Court of the Commissioner.
- (8). The Court of the Judicial Commissioner.

4. The Local Government shall have power to declare to which of the said grades any Tahsildar and any Assistant Commissioner shall belong.

Local Government may declare grade to which a Tahsildar or Assistant Commissioner belongs.

5. The Local Government shall also have power to invest such Naib Tahsildars as it shall think competent, with jurisdiction in suits for money due, whether on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of fifty rupees.

Local Government may give Naib Tahsildars jurisdiction up to rupees fifty.

6. The Court of the Tahsildar of the first class shall have power to try and determine suits of every description not exceeding one hundred rupees in value or amount.

Jurisdiction of Court of Tahsildar of the first class.

7. The Court of the Tahsildar of the second class shall have power to try and determine suits of every description not exceeding three hundred rupees in value or amount.

Jurisdiction of Court of Tahsildar of the second class.

8. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description not exceeding five hundred rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

9. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description not exceeding one thousand rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of third class shall have power to try and determine suits of every description not exceeding five thousand rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the third class.

11. The Court of the Deputy Commissioner shall have power to try and determine suits of every description exceeding five thousand rupees in value or amount, and to hear appeals from the decisions, and (where an appeal is allowed by the Code of Civil Procedure), from the orders of the Courts of the first, second, third and fourth grades respectively.

Jurisdiction of Court of Deputy Commissioner.

**12.** The Court of the Commissioner shall have power to hear and determine appeals from the original decisions passed (in suits, and, where an appeal is allowed by the Code of Civil Procedure or by this Act, from the orders passed by the Courts of the fifth and sixth grades.

*Jurisdiction of Court of Commissioner.*

**13.** The Court of the Chief Commissioner shall have power to hear and determine applications for a special appeal as provided in the Code of Civil Procedure from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioners of Divisions.

*Jurisdiction of Court of Chief Commissioner.*

**14.** Every suit shall be instituted in the Court of the lowest grade competent to try it. Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

*Court in which suit shall be instituted.*

**15.** It shall be lawful for the Deputy Commissioner to withdraw any suit instituted in any Court subordinate to him, and to try such suit himself or to refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same.

*Transfer of suits from subordinate Court to Deputy Commissioner's Court.*

**16.** It shall be lawful for the Chief Commissioner or for the Commissioner of a Division to order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such Chief Commissioner or Commissioner shall be transferred to any other such subordinate Court competent, in respect of the value of the subject-matter of the suit or appeal, to try the same.

*Chief Commissioner or Commissioner of a Division may order transfer of suits from one subordinate Court to another.*

**17.** If the suit be for immoveable property situate within the limits of different Districts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

*Suits for immoveable property situate in different Districts.*

**18.** If the Districts within the limits of which the immoveable property is situate are subject to different Commissioners, the application shall be submitted to the Commissioner to which the District in which the suit is brought is subject, and the Commissioner to which such application is made may, with the concurrence of the Commissioner to which the other District is subject, give authority to proceed with the suit.

*Suits for immoveable property situate in Districts subject to different Commissioners.*

**19.** Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

*Appeal to lie from all decisions except when expressly prohibited.*

**20.** The local jurisdiction of a Deputy Commissioner shall be deemed a District for the purposes of this Act, and the Court of such Deputy Commissioner shall be deemed the District Court within the meaning of the Code of Civil Procedure.

*Construction of District Court as used in Code of Civil Procedure.*

**21.** This Act shall commence and come into operation on the day of 1865.

*Commencement of Act.*

#### STATEMENT OF OBJECTS AND REASONS.

The jurisdiction now exercised by the Civil Courts in the Central Provinces is derived, not from any express provision of law, but from orders passed from time to time by the Executive Government. These orders, bearing a date prior to the passing of the Indian Councils' Act, 1861, their validity, and the proceedings of the Courts established by them, cannot be called in question; but it is felt that the constitution of the Civil Courts in the Central Provinces is not so satisfactory as could be desired; and the Chief Commissioner having requested that the Government of India will be pleased to confer Civil jurisdiction in suits of a small amount upon a class of Officers who have not hitherto exercised any of the functions of a Civil Judge, which cannot be done without a law, it seems desirable that, instead of confining the scope of any Bill introduced to this single object, the opportunity should be taken to place the Civil Courts generally of the Central Provinces on a legal basis similar to that upon which the Courts in British Burmah were placed by Act I of 1863, and to give them a similar legal status. This is the object of the Bill, which follows the form of the British Burmah Act in so far as it defines the jurisdiction of the Courts to which it refers.

H. B. HARRINGTON.

The 5th January 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India  
Home Dept. (Legislative.)



The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th January 1865, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

No. 30 of 1864.

*A Bill to define and amend the law relating to Marriage and Divorce among the Parsees.*

Whereas it is expedient to define and amend the law relating to Marriage and Divorce among Parsees; It is enacted as follows :—

1. This Act may be cited as "The Parsee Marriage and Divorce Act, 1865."

2. In this Act, unless there be something repugnant in the subject or context—

"Parsee" means or applies to a person professing the religion of Zoroaster, and domiciled in British India.

"Priest" includes Dastūr and Mobed.

"Marriage" shall mean a marriage between Parsees contracted after the commencement of this Act.

"Section" means a Section of this Act.

"High Court" means the highest Civil Court of appeal in any part of British India.

"Local Government" means the person authorized to administer Executive Government in any part of British India or the Chief Executive Officer of any part of British India under the immediate administration of the Governor General of India in Council when such Officer shall be authorized to exercise the powers vested by this Act in a Local Government.

Words in the singular number include the plural, and words in the plural number include the singular.

Words importing the masculine gender include females.

3. No marriage shall be valid, if the parties contracting the same are related to each other in any of the degrees of consanguinity or affinity prohibited by common custom among Parsees, and unless such marriage shall be solemnized according to the Parsee form or ceremony called "A'shrvād" by a Parsee Priest in the presence of two or more Parsee witnesses independently of such officiating Priest; and unless, in the case of any Parsee under the age of twenty-one years, the consent of his father or guardian shall have been previously given to such marriage.

4. Every marriage shall, within eight days after the solemnization thereof, be registered in the form contained in the Schedule to this Act, in a book to be kept by a Registrar, who shall be some proper person appointed for that purpose by the Parsee Panchayat of the Zillah or District in which the marriage shall have taken place; and every entry of a marriage in the said book shall, within the space of eight days from the date of such marriage, be signed by the persons following (that is to say), the said Registrar, the contract-

ing parties, the fathers or guardians of such (not being of full age), the Priest solemnizing the marriage, and the witnesses present at the same; and it shall be incumbent upon the contracting parties respectively, if they shall have attained the age of twenty-one years, and upon the father or guardian of such contracting party (if any) as shall not be then of full age, to give notice to the Registrar of the marriage having been so contracted, and to cause the marriage to be duly registered in his said book upon payment to him of the fee of two rupees, to the payment of which fee both the said contracting parties shall, in equal proportions, be liable.

5. Every Parsee, having attained the age of twenty-one years at the time of his or her marriage, shall, immediately upon the said entry thereof being so made in the said register, make and subscribe in the presence of the Registrar, the following declaration below the entry of the marriage in the said register :—

"I hereby solemnly declare that the above registry is correct, and that my marriage with did take place as therein mentioned, and was duly solemnized with my consent."

A. B.

Made and subscribed at this day of before me.

E. F.  
Registrar.

But no husband or wife not having attained the said age at the time of such marriage shall make or subscribe such declaration.

6. The father or guardian of every Parsee who shall not, at the time of his or her marriage, have attained the age of twenty-one years, shall make and subscribe in the presence of the Registrar the following declaration below the entry of the marriage in the said register :—

"I do hereby solemnly declare that the above registry is correct so far as regard the particulars therein relating to the said and me, this declarant, and that the marriage therein mentioned was duly solemnized with my consent."

A. B.

Father or guardian of C. D.

Made and subscribed at this day of before me.

E. F.,  
Registrar.

7. Every register of marriages shall, at all reasonable times, be open for public inspection, and certified extracts therefrom shall, on application, be given by the respective Registrars, on payment to them by the applicants of two rupees for each such extract; and every such register shall, without further proof, be received in all Courts to which this Act extends as evidence of the truth of the statements therein contained, unless and until the same shall be proved to be false.

**8.** Every person required by this Act to make and subscribe any or either of the foregoing declarations, and wilfully omitting or neglecting so to do, shall, on conviction thereof before any Magistrate or other Court having jurisdiction in the place where he may reside, be punished for every such offence with a fine not exceeding one hundred rupees; and every Priest knowingly and wilfully solemnizing any marriage contrary to and in violation of the ninth Section of this Act, shall, on conviction thereof before any such Magistrate or Court, be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

**9.** It shall not be lawful for any Parsee to contract any marriage in the life-time of his or her wife or husband, except after his or her lawful divorce from such wife or husband, by sentence of a Panchayat as is hereinafter provided; and every marriage which may be hereafter contracted contrary to the provisions of this Section shall be deemed void. Every Parsee who shall, during the life-time of his or her wife or husband, contract any marriage without such lawful divorce from such wife or husband, shall be subject to the penalties provided in the Indian Penal Code for the offence of marrying again during the life-time of a husband or wife.

**10.** If a Parsee husband or wife shall at any time after marriage be transported or deported for the term of his or her natural life by the sentence of any competent legal tribunal, such marriage shall after the space of one year next following the passing of such sentence, be voidable at the election of his or her wife or husband, such election being first duly notified by the said wife or husband to the Panchayat of her or his place of residence.

**11.** If a Parsee shall have been or be a lunatic or of habitually unsound mind at the time of his or her marriage, such marriage shall be at any time voidable, by the Panchayat of his or her last place of residence at the instance of his or her wife or husband, upon proof, to the satisfaction of the same Panchayat, that the lunacy or habitual unsoundness of mind existed at the time of the marriage and still continues.

**12.** If a Parsee husband or wife shall have been continually absent from his or her wife or husband for the space of seven years, and shall not have been heard of within that time by such his or her wife or husband as being alive, their marriage shall be voidable by the Panchayat of his or her last known domicile at the instance of the said wife or husband of such absent husband or wife, upon proof of the aforesaid facts being made to the satisfaction of the same Panchayat.

**13.** In any case where the husband shall be unable to consummate the marriage by reason of impotency of a permanent and incurable description, or where consummation of the marriage has not taken place in consequence of the wife's malformation, such marriage shall be

voidable by the Panchayat of his or her last known domicile at the instance of the other party to such marriage, upon proof of the aforesaid facts being made to the satisfaction of the same Panchayat: Provided that the husband shall not set up his own impotency as a ground for nullifying his marriage.

**14.** A marriage in case either of the parties thereto shall have changed his or her religion shall be voidable by the Panchayat of his or her last known domicile, at the instance of the other party to such marriage, upon proof of such fact being made to the satisfaction of the same Panchayat.

**15.** It shall be lawful for any Parsee husband to present a petition to the Panchayat of the proper domicile that his marriage may be dissolved, and a divorce granted, on the ground that his wife has, since the celebration thereof, been guilty of adultery; and it shall be lawful for any Parsee wife to present a petition to the Panchayat of the proper domicile, praying that her marriage may be dissolved, and a divorce granted, on the ground that, since the celebration thereof, her husband has been guilty of adultery or fornication with any married or unmarried woman, not being a prostitute, or of bigamy coupled with adultery, or of rape, or of an unnatural offence.

**16.** If a Parsee husband treat his Parsee wife with such cruelty or personal violence as to render it in the judgment of the Panchayat or other lawful tribunal improper to compel her to live with him, or if his conduct afford her reasonable grounds for apprehending danger to life or serious personal injury, or if a prostitute be openly brought into or allowed to remain in the place of abode of a wife by her own husband, she shall be entitled to demand a judicial separation *a menad et thoro*, and her husband shall, in such a case, provide her with separate maintenance, so long as she continues of chaste conduct, according to his means and rank in life; but no divorce shall be granted for cruelty, except in the case specified in the fifteenth Section.

**17.** Applications for divorce or for judicial separation on any one of the grounds aforesaid may be made by either husband or wife by petition to the Panchayat of the town or district in which the respondent resides or last resided, which Panchayat is hereby authorized and required to hear and determine such petition; and on the said Panchayat's being satisfied of the truth of the allegations contained in such petition, and that the offence therein set forth has not been condoned, and that the said husband and wife are not colluding together to obtain a divorce, and that the petitioner has not connived at, or been party to, the said offence, and that there has been no unnecessary or improper delay in presenting the said petition, and that there is no legal ground why the same should not be granted, then and in such case, but not otherwise, the said Panchayat shall and may decree such divorce or judicial separation accordingly; and where any such application is made by the wife, may order the husband or secure to the wife out



of his property such gross or capital sum, or such monthly or periodical payments of money for any term not exceeding her life as, having regard to her own property (if any), her husband's said property, and the conduct of the parties, shall be deemed just, or make any other order in that behalf for alimony, which, regard being had to the circumstances aforesaid, shall be deemed just. And in case any such order shall not be obeyed by her husband, he shall be liable to action upon the same at her suit, and further to be sued by any persons supplying her with necessaries, during the time of such disobedience, for the price or value of such necessaries.

**18.** Where a husband has deserted or (without lawful cause) ceased to cohabit with his wife, or shall hereafter so desert or (without lawful cause) so cease to cohabit, or where a wife hath deserted or (without lawful cause) ceased to cohabit with her husband, or shall hereafter so desert or (without lawful cause) so cease to cohabit, and the party so deserted or with whom cohabitation hath or shall have so ceased, shall apply to the Panchayat of the District or place within which the other party may reside, by petition for the restitution of his or her conjugal rights, the said Panchayat shall thereupon proceed duly to cite the party respondent to such petition, and duly to take evidence in that behalf and inquire into the allegations of such petition, and shall, upon being duly satisfied of the truth of the said allegations, and that there is no just ground why the said petition should not be granted, proceed to decree such restitution of conjugal rights accordingly. In case such decree shall not be obeyed by the party against whom it is given, he or she shall be deemed a wrong-doer, and liable in damages thereupon in an action on the case at the suit of the other party.

**19.** The Panchayat of any Town or District nominated and appointed in manner hereinafter mentioned shall have power and authority to hear, determine and adjudicate all cases and questions arising under this Act between Parsee inhabitants of such Town or District.

**20.** The said Panchayat shall have power to summon and examine both parties and their witnesses on oath or affirmation; and the decisions of such Panchayats, if not reversed or altered on the appeal given by the twentythird Section shall be final, and shall be upheld by all legal tribunals; provided nevertheless that it shall always (after any final decree for a divorce, either by the Panchayat or upon appeal, or after the expiration of the time hereinafter limited for an appeal, without an appeal, against any such decree for a divorce, having been presented) be lawful for the parties thereby divorced to intermarry together again; and every witness duly summoned, who shall intentionally omit to attend at the time and place specified in such summons, or depart from such place before the time at which it is lawful for him to depart, or who shall intentionally omit to produce or deliver up any document which he may be legally required to produce or deliver up, or who shall refuse to answer any question which he may be legally required to answer, shall, on proof of the facts before any Magistrate or Court having jurisdiction

with respect to the offence, be liable to the punishment provided in Sections 174, 175 and 179 respectively of the Indian Penal Code, and all persons wilfully deposing or affirming falsely in any proceeding before the Panchayat, shall be deemed to be guilty of the offence of giving false evidence, and shall be liable, on conviction before a competent tribunal, to all the pains and penalties attached thereto.

**21.** The examination of parties and of witnesses in any cause or proceeding under this Act shall be taken orally and openly in and by the Panchayat in the presence and hearing and under the personal direction and superintendence of the said Panchayat; and the evidence of each witness shall be taken down in writing, and the proceedings of the said Panchayat shall be conducted and recorded in the vernacular language by the President, Secretary, or other Officer appointed for that purpose by the said Panchayat. And every such examination shall be taken and recorded in the form of a narrative, and when completed shall be read over in the presence of the said Panchayat and of the witness, and also in the presence of the party or parties or their representatives, and certified by the President of the said Panchayat or any member thereof acting as President thereof for the time being. The Panchayat shall record such remarks as it may think material respecting the demeanour of the witness while under examination.

**22.** When the evidence of a witness is required who is not living in the Town or place where the said Panchayat is held, or who is unable from sickness or infirmity or other cause to attend before the said Panchayat, the said Panchayat may authorize the Panchayat of the place where the witness may be residing, or any one or more person or persons thereat resident, or may depute thither one or more of its own members or Officers to take down the examination of such witness on interrogatories or otherwise; and every such examination shall be taken down in writing, and shall be read over to and shall be duly certified by the persons so authorized to take the same; and shall form part of the record of the cause or proceeding in which it is taken. In every such case either party shall be entitled to be present in person or by representative at such examination.

**23.** An appeal shall lie from the decision of the Panchayat to the High Court on the ground of the decision being contrary to some law, or usage having the force of law, or of a substantial error or defect in the investigation of the case which may have produced error or defect in the decision of the case upon the merits, or of any grave misconduct of the Panchayat in relation to any of the matters aforesaid; provided that such appeal be instituted within three months after the decision of the Panchayat shall have been pronounced.

**24.** On an appeal being made to the High Court in conformity with the provisions contained in the twentythird Section, the Panchayat from whose decision such appeal is preferred shall, upon receiving due intimation thereof, send to the said High

Court, with all practicable despatch, the record of the case, together with all material papers in the cause or proceeding, or such papers as may be specially called for by the High Court in that behalf.

**25.** Nothing herein contained shall apply to any marriage or ceremony of marriage performed before the passing of this Act, or in any wise affect the same, whether by giving validity thereto, or by invalidating the same. And the validity or invalidity thereof respectively shall be, and continue to be, the same as it was at the time of the passing of this Act.

**26.** Every application made to a Panchayat under this Act shall be in writing and shall be subscribed by the applicant or his or her representative (if any). It shall also be verified at the foot by the applicant in the manner following or to the like effect:—

“ I (A B), the applicant named in the above application, do declare that what is stated therein is true, to the best of my information and belief.”

**27.** If any such application shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the provision of the law for the time being in force for the punishment of giving or fabrication of false evidence.

**28.** The Panchayat for adjudicating cases arising under this Act shall, for the Town and Island of Bombay, consist of twelve members, of whom one shall be President, and for other Towns or Districts of such number of members, not exceeding twelve and of whom one shall be President, as the Local Government may see fit to fix; and shall be elected, constituted, and appointed according to such Rules and Regulations, in regard to the qualifications of electors and members and other matters as may be hereafter sanctioned and approved of by the Governor in Council of the Presidency or place: Provided that in the Town and District of Surat the Office of President of the Panchayat shall be hereditary in the family of Khurshedji Dodabhái deceased, Dawur of the Parsees of Surat, and shall be held by the person who shall for the time being be the senior representative, according to the Parsee law of inheritance, of the said Khurshedji Dodabhái.

**29.** Any Panchayat duly constituted and appointed as aforesaid shall have power to alter, vary, or amend such rules from time to time, subject to the confirmation of the Local Government, who shall determine and may alter the territorial jurisdiction of each Panchayat, the limits of the jurisdiction so determined or altered being promulgated in the *Official Gazette*.

**30.** This Act shall commence and take effect on the first day of July 1865, and shall extend to all the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., cap. 106.

#### THE SCHEDULE ABOVE REFERRED TO.

Date and Place of Marriage.	Names of the Husband and Wife.	Condition at the time of Marriage.	Rank or Profession.	Age.	Residence.	Names of the Fathers or Guardians.	Rank or Profession.	Signature of the Officiating Priest.	Signatures of the Witnesses.

#### STATEMENT OF OBJECTS AND REASONS.

The object of the present measure is to enforce among the Parsee community the duties and obligations arising out of the marriage union. By a decision of her Majesty's Privy Council in 1856, it was ruled that the Supreme Court of Bombay on its ecclesiastical side, had no jurisdiction to entertain suits instituted by a Parsee wife for restitution of conjugal rights or for maintenance. It has been represented by a large number of Parsees, who from character and social position are regarded as leaders by their co-religionists, that bigamy has been introduced into their community, because, since the decision of the Privy Council, there has been no tribunal to vindicate the obligations of marriage, and none with authority to dissolve marriages on adequate cause being shown. Urgent petitions have therefore been addressed to the Government of India and to Her Majesty's Secretary of State for India, praying that, with respect to this most important relation of life, the Parsees may receive the sanction and protection of a legislative enactment.

The present measure renders bigamy by Parsees an offence, and subjects it to the penalties prescribed in the Penal Code. On the other hand it declares the grounds on which divorces may be granted. It gives jurisdiction for the vindication of obligations and duties arising out of marriages and for the dissolution of marriages, to the ancient institution of the Parsee Panchayat. Appeal from the decision of the Panchayats is allowed within a stated time to the High Courts of the respective Presidencies.

The measure has in substance been prepared by representatives of the Parsee community.

H. L. ANDERSON.

The 16th January 1865.

WHITLEY STOKES,

Offy. Asst. Secy. to the Govt of India,  
Home Department (Legislative).



## HOME DEPARTMENT.

No. 989.

*Fort William, the 30th January 1865.*

## NOTIFICATIONS.

Mr. Robert G. Currie, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year from the date of embarkation.

No. 990.

*The 1st February 1865.*

Mr. E. C. Bayley, Secretary to the Government of India, in the Home Department, having returned from the privilege leave granted to him under Notification No. 5225, dated the 8th November last, resumed charge of his office on the forenoon of this day.

A. HOWELL,

*Under Secy. to the Govt. of India.*

No. 1065.

*The 2nd February 1865.*

The Reverend Arthur Octavius Hardy has been appointed by the Right Hon'ble the Secretary of State to be a Junior Chaplain on the Bengal Establishment.

No. 1066.

Mr. H. Fraser, Head Master of the Kamptee School, is appointed to officiate as Inspector of Schools, Eastern Circle, Central Provinces.

No. 1067.

The Governor General in Council is pleased to invest the under-mentioned Tehseeldar, in the Central Provinces, with the powers of subordinate Magistrate of the 1st Class, described in Chapter II, Section 22 of Act XXV of 1861 :—

Ameer Khan, Tehseeldar of Dumoh.

No. 1068.

*The 3rd February 1865.*

The Governor General in Council is pleased to invest the following Officer, in the Central Provinces, with the powers of a Magistrate described in Section 22 of Act XXV of 1861 :—

Lieut. H. O. E. Ward, Assistant Commissioner.

No. 1069.

Third-Class Native Doctor Nusrool Huqq is appointed to the Charitable Dispensary at Kyook Phyoo, vice Native Doctor Lalla Kaleechurn, deceased.

No. 1070.

The under-mentioned Specifications of inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India, in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India, in the Home Department, to public inspection, upon payment of a fee of one Rupee; a certified copy of any Specification will

be given to any person requiring the same on payment of the expense of copying :—

No. 219.—Edward Dorset and John Remington Blythe, merchants of the city of London, for "improvements in machinery or apparatus employed for impregnating timber with solutions of sulphate of copper, creosote or other preserving materials."

No. 220.—J. Brown and T. Casser, Locomotive Superintendent and Locomotive Foreman, Sind Railway Company, for "Spark-Arrester."

No. 233.—Henry Firman and James Matthew George Wyatt, College Street, Dowgate Hill, in the city of London, iron, tin plate, and metal merchants, for "improvements in the construction of buildings, such improvements being more particularly applicable to roofing and flooring the same."

No. 234.—Robert Wilson, Patricroft, near the city of Manchester, Engineer, for "improvements in and applicable to hydraulic and other presses and in steam engines and pumps for working hydraulic presses and raising fluids also in apparatus for hooping bales of cotton and other substances."

No. 235.—F. W. Sheilds, Civil Engineer, No. 3, Delahoy Street, Westminster, in the County of Middlesex, England, for "improvements in telegraphic posts."

E. C. BAYLEY,

*Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

## MILITARY.

No. 56.

*Fort William, the 30th January 1865.*

Assistant Surgeon F. H. O'Donel, M. D., in medical charge of the Meywar Bheel Corps, has obtained preparatory leave for one month to proceed to Bombay, from the 1st February next.

The G. O. dated 21st December, No. 244, is hereby cancelled.

No. 59.

*The 2nd February 1865.*

With reference to G. O. No. 8, dated 12th ultimo, Major A. M. Mackenzie, Commandant, Meywar Bheel Corps, and Superintendent of Hilly Tracts in Meywar, returned to his duties on the 31st December 1864.

## POLITICAL.

No. 103.

*The 30th January 1865.*

His Excellency the Viceroy and Governor General in Council is pleased to publish for general information the following Despatch from Her Majesty's Secretary of State for India :—

By order of His Excellency the Viceroy and Governor General in Council,

A. COLVIN,

*Offg. Under Secy. to the Govt. of India.*

## POLITICAL.

## INDIA OFFICE,

No. 81.

*London, 16th December 1864.*

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I transmit herewith, for the information of your Excellency's Government, a printed copy

of Orders in Council, for the regulation of Consular Jurisdiction in the dominions of the Ottoman Porte,\* and also with

\* Dated 30th November 1864.

† Dated 30th November 1864.

respect to the navigation of the Danube†

I have, &c.,

(Sd.) C. Wood.

At the Court at Windsor, the 30th day of November 1864.

PRESENT :

The QUEEN'S Most Excellent Majesty in Council.

Whereas by the Act of the Session of Parliament of the sixth and seventh years of Her Majesty's Reign (Chapter 94), "To remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it was enacted (among other things) that it was and should be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty then had, or might at any time thereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power and jurisdiction by the cession or conquest of territory ;

And whereas Her Majesty has had, and now has, power and jurisdiction in the dominions of the Sublime Ottoman Porte ; and by an Order in Council, bearing date the twenty-seventh day of August one thousand eight hundred and sixty, Her Majesty was pleased, by and with the advice of Her Privy Council, to make provision for the exercise of such last-mentioned power and jurisdiction :

And whereas by another Order in Council, bearing date the sixth day of January one thousand eight hundred and sixty two, Her Majesty, by and with the advice aforesaid, was pleased to order that all Rules, Orders, and Regulations, so made, and to be made, as therein mentioned, by a certain Commission established under the 15th and 16th Articles of the General Treaty of Peace signed at Paris on the thirtieth day of March one thousand eight hundred and fifty-six, should be binding and in force, and should have the force and effect of law, upon and against all British subjects and other persons subject to the jurisdiction of Her Majesty's Consuls, Vice-Consuls, and Consular Agents, within the dominions of the Ottoman Porte :

And whereas by another Order in Council, bearing date the twenty-first day of March one thousand eight hundred and sixty-two, Her Majesty, by and with the advice aforesaid, was further pleased to order that all Rules, Orders, and Regulations concerning the navigation of the River Danube, or concerning the conduct and government of Masters, seamen, or others, navigating the same, or concerning the imposition, levying, or payment of tolls or duties to be taken or levied in respect of the navigation of the said river, or concerning the imposition and enforcing of penalties for the breach of such Rules, Orders, and Regulations, respectively, or any of them, which had been at any time theretofore made and promulgated by the said Commission, should, from and after the date of that Order (except so far as the same might have been already duly confirmed by

the said Order of the sixth day of January one thousand eight hundred and sixty-two, so as to make the same binding from the date thereof), be binding and in full force, and should have the force and effect of law, upon and against all British subjects and other persons subject to the jurisdiction of Her Majesty's Consuls, Vice-Consuls, and Consular Agents, within the dominions of the Sublime Ottoman Porte :

And whereas, by both such two last-mentioned Orders in Council, Her Majesty was further pleased to direct that, for the purpose of enforcing and carrying the same into effect, Her Majesty's Consuls, Vice-Consuls, and Consular Agents, exercising jurisdiction over British subjects within the dominions of the Sublime Ottoman Porte, should have, possess, and enjoy all and every the power, jurisdiction, authorities, rights, privileges, and immunities, which, in and by the said Order in Council, bearing date the twenty-seventh day of August one thousand eight hundred and sixty, were or was vested in, or belonged to, or were or was exerciseable by, the Judge of the Supreme Consular Court of Constantinople, within the dominions of the Sublime Ottoman Porte : and that all the clauses, articles, and provisions of the said Order in Council of the twenty-seventh day of August one thousand eight hundred and sixty, so far as the same respectively were then in force and unrepealed, and so far as the same, or any of them, were applicable to such Rules, Orders, and Regulations as aforesaid, should apply and extend to the said Consuls, Vice-Consuls, and Consular Agents of Her Majesty, and to all acts, matters, and things whatsoever done by, to, or in respect of them the said Consuls, Vice-Consuls, and Consular Agents, respectively, under or by virtue of the said respective Orders of the sixth day of January one thousand eight hundred and sixty-two, and the twenty-first day of March one thousand eight hundred and sixty-two :

And whereas, since the dates of the said two last-mentioned Orders, the said Order in Council of the twenty-seventh day of August one thousand eight hundred and sixty, has been repealed ; and the exercise of jurisdiction by Her Majesty's Consular Courts and Judges in the dominions of the Ottoman Porte is now regulated by another Order of Her Majesty in Council, bearing even date with these presents.

Now, therefore, in pursuance of the above recited Act of Parliament, and in execution of the powers thereby vested in Her Majesty in Council, Her Majesty is pleased, by and with the advice of Her Privy Council, to order and declare, and it is hereby ordered and declared as follows :—

From and after the date of this present Order, the said two several Orders in Council of the sixth day of January one thousand eight hundred and sixty-two, and the twenty-first day of March one thousand eight hundred and sixty-two, shall respectively be read and take effect, and be enforced and carried into execution by the Consuls, Vice-Consuls, and Consular Agents of Her Majesty, in the dominions of the Ottoman Porte, in such and the same manner, in all respects, as if the said two several Orders, and all the provisions therein contained, were herein expressly repeated and re-enacted, with the substitution only of a reference to the said Order in Council bearing even date herewith (whereby the exercise of the said Consular jurisdiction is now regulated) instead of the said



repealed Order of the twenty-seventh day of August one thousand eight hundred and sixty, in all parts and places of the said two several Orders respectively in which the said Order of the twenty-seventh day of August one thousand eight hundred and sixty, is in any way mentioned or referred to.

And the Right Honorable the Earl Russell, the Right Honorable Edward Cardwell, and the Right Honorable Sir Charles Wood, three of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

At the Court at *Windsor*, the 30th day of November 1864.

PRESENT:

The QUEEN'S Most Excellent Majesty in Council.

Whereas by the Act of the Session of Parliament of the sixth and seventh years of Her Majesty's reign (chapter 94), "to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions and to render the same more effectual," hereinafter called The Foreign Jurisdiction Act, it was enacted (among other things) that it was and should be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

And whereas Her Majesty has had and now has power and jurisdiction in the dominions of the Sublime Ottoman Porte:

And whereas Her Majesty was pleased by and with the advice of Her Privy Council, on the ninth day of January one thousand eight hundred and sixty-three, and the seventeenth day of November one thousand eight hundred and sixty-three, to make, by Orders in Council, dated on those days respectively, provision for the exercise of Her power and jurisdiction aforesaid:

And whereas it has seemed to Her Majesty, by and with the advice of Her Privy Council, to be expedient at the present time to revise the provisions of the said orders, and to make further provision for the due exercise of Her Majesty's power and jurisdiction aforesaid, and for the more regular and efficient administration of justice and the better maintenance of order among all classes of Her Majesty's subjects and of persons enjoying Her Majesty's protection resident in or resorting to the dominions of the Sublime Ottoman Porte:

Now, therefore, Her Majesty, by virtue of the powers in this behalf by The Foreign Jurisdiction Act or otherwise in Her vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows:—

#### I.—PRELIMINARY.

1. This Order shall commence from and after the thirty-first day of December one thousand eight hundred and sixty-four.

2. The Orders of the ninth day of January one thousand eight hundred and sixty-three, and the seventeenth day of November one thousand eight hundred and sixty-three, are hereby repealed.

This repeal shall not affect the past operation of those Orders, or either of them, or any appointment made or thing done under them or either of them.

3. Pending proceedings shall be regulated by this Order as far as the nature and circumstances of each case admit.

4. In this Order—

the term "the Ottoman dominions" means the dominions of the Sublime Ottoman Porte;

the term "Native Indian subject of Her Majesty" means a native of India (as defined in the Act of Parliament of one thousand eight hundred and fifty-eight "for the better Government of India") not being of European descent;

the term "month" means calendar month;

words importing the plural or the singular may be construed as referring to one person or thing, or more than one person or thing, and words importing the masculine as referring to females (as the case may require).

5. The provisions of this Order relating to British subjects apply to all subjects of Her Majesty, whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the Ottoman dominions.

The provisions of this Order relating to foreigners apply to subjects of the Sublime Ottoman Porte and subjects or citizens of any other Power or State (not being enemies of Her Majesty).

#### II.—GENERAL PROVISIONS RESPECTING HER MAJESTY'S JURISDICTION.

6. All Her Majesty's jurisdiction exercisable in the Ottoman dominions for the judicial hearing and determination of matters in difference between British subjects or between British subjects and foreigners,—or for the administration or control of the property or persons of British subjects,—or for the repression or punishment of crimes or offences committed by British subjects,—or for the maintenance of order among British subjects,—shall be exercised under and according to the provisions of this Order, and not otherwise.

7. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of and in conformity with the Common Law, the Rules of Equity, the Statute Law, and other Law, for the time being in force in and for England, and with the powers vested in and pursuant to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

8. Nothing in this Order shall be deemed to deprive Her Majesty's Consular Officers of the right to observe and to enforce the observance of any reasonable custom obtaining within the Ottoman dominions or to deprive any person of the benefit thereof, except where this Order contains some express and specific provision incompatible with the observance of such custom.

9. Except as to offences against the Capitulations, Articles of Peace, and Treaties between Her Majesty and the Sublime Ottoman Porte, or against any Rules and Regulation for the observance thereof or for the maintenance of order among British subjects in the Ottoman dominions made by or under the authority of Her Majesty, or against

any of the provisions of this Order, or of any Rule made under it,—

No act done by a British subject in the Ottoman dominions or on board a British vessel within those dominions, which would not by a Court of Justice having criminal jurisdiction in England be deemed a crime or offence rendering the person doing such act amenable to punishment in England, shall, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence rendering the person doing such act amenable to punishment.

### III.—CONSTITUTION OF HER MAJESTY'S CONSULAR COURTS.

#### I.—THE SUPREME CONSULAR COURT AT CONSTANTINOPLE.

10. There shall be a Court styled "Her Britannic Majesty's Supreme Consular Court for the Dominions of the Sublime Ottoman Porte."

11. The Supreme Consular Court shall hold its ordinary sittings at Constantinople; but may, on emergency, sit at any other place within the district of the Consulate-General of Constantinople, and may at any time hold its ordinary sittings at any such place within the Ottoman dominions as one of Her Majesty's Principal Secretaries of State approves.

12. There shall be one Judge of the Supreme Consular Court.

Her Majesty's Consul-General at Constantinople for the time being shall be the Judge, but he shall be appointed to the office of Judge by Her Majesty by special warrant under Her Royal sign manual.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of not less than seven years' standing, or a subject of Her Majesty (by birth or naturalization) who has filled the office of Legal Vice-Consul in the Ottoman dominions or the office of Law Secretary to the Supreme Consular Court.

He may, in case of his absence from the district of the Consulate-General of Constantinople, either in the discharge of his duty, or with permission of one of Her Majesty's Principal Secretaries of State, or in case of illness, appoint, by writing under his hand and seal, a fit person to be his Deputy, who shall have all the power and authority of Judge.

During a vacancy in the office of Judge, or on emergency, a fit person, approved by one of Her Majesty's Principal Secretaries of State, may temporarily be and act as Acting Judge, with all the power and authority of Judge.

Notwithstanding anything in this Order, Her Majesty may make an appointment to the office of Judge at any time after the passing of this Order; but any such appointment shall not take effect before the first day of January one thousand eight hundred and sixty-five.

13. There shall be attached to the Court—

(1.) One Law Secretary:

(2.) So many officers and clerks as one of Her Majesty's Principal Secretaries of State from time to time thinks fit.

One of Her Majesty's Principal Secretaries of State may from time to time temporarily attach to the Court such persons holding appointments as Consuls or Vice-Consuls as he thinks fit.

14. The Law Secretary shall be appointed by Her Majesty.

He shall hold by special commission from Her Majesty the appointment of Vice-Consul.

He shall act as Registrar of the Court.

He shall discharge such duties in connexion with the conduct of criminal prosecutions as the Judge from time to time directs.

He shall hear and determine in a summary way such criminal charges as may under this Order be properly so heard and determined, and as are specially referred to him by the Judge.

Where a suit or proceeding of a civil nature, originally instituted in the Supreme Consular Court, relates to money, goods or other property, or any civil right or other matter at issue of a less amount or value than one hundred pounds sterling, or is instituted for the recovery of damages of a less amount than one hundred pounds sterling, the Judge may refer such suit or proceeding specially to the Law Secretary to be heard and determined by him; but in all such cases an appeal shall lie as of course to the Judge.

In case of the absence or illness of the Law Secretary, or during a vacancy in the office of Law Secretary, or during the temporary employment of the Law Secretary in any other capacity, the Judge may, by writing under his hand and seal, appoint any fit person approved by one of Her Majesty's Principal Secretaries of State to act temporarily as Law Secretary. The person so appointed shall have all the power and authority of Law Secretary.

Every Consul or Vice-Consul temporarily attached to the Court under Article 13 shall discharge such duties in connexion with the Court as the Judge from time to time, with the approval of one of Her Majesty's Principal Secretaries of State, directs; and for that purpose shall have the like power and authority as the Law Secretary.

#### II.—THE PROVINCIAL CONSULAR COURTS.

15. In addition to the Supreme Consular Court, each of Her Majesty's Consuls-General, Consuls, and Vice-Consuls (holding a commission as such from Her Majesty), resident in the Ottoman dominions (with such exceptions as one of Her Majesty's Principal Secretaries of State at any time thinks fit to make), or any person acting temporarily, with the approval of one of Her Majesty's Principal Secretaries of State, as such a Consul-General, Consul, or Vice-Consul, shall, for and in his own Consular district, hold and form a Court styled "Her Britannic Majesty's Consular Court at [Smyna, or as the case may be],"—hereafter in this Order called a Provincial Consular Court.

#### IV.—JURIES. ASSESSORS.

16. Every male British subject resident in the Ottoman dominions, being of the age of twenty-one years or upwards, being able to speak and read English, having or earning a gross income at the rate of not less than fifty pounds a year, not having been attainted of treason or felony, or convicted of any crime that is infamous (unless he has obtained a free pardon), and not being under outlawry, shall be qualified to serve on a jury.

17. All persons so qualified shall be liable so to serve, except the following:—

Persons in Her Majesty's Diplomatic, Consular, or other civil service in actual employment;



Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of any Consular Court;

Officers and others on full pay in Her Majesty's Navy or Army, or in actual employment in the service of any Department connected therewith;

Persons holding appointments in the Civil service, and Commissioned Officers in the Naval or Military service, of the Sublime Ottoman Porte;

Clergmen and ministers in the actual discharge of professional duties;

Advocates and Attorneys in actual practice;

Physicians, surgeons, and apothecaries in actual practice;

and except persons disabled by mental or bodily infirmity.

18. On or before the fourteenth day of January in every year, each Consular Court shall make out a list of the persons so qualified and liable, resident within its district.

The list shall, on or before the twenty-first day of the same month, be affixed in some conspicuous place in the Court, and shall be there exhibited until the thirty-first day of that month, with a notice annexed that on a day specified, not being sooner than the seventh or later than the fourteenth day of the then next month, the Court will hold a special sitting for the revision of the list.

The Court shall hold such special sitting accordingly, and at such sitting, or at some adjournment thereof (of which public notice shall be given), shall revise the list by striking out the name of any person appearing to be not qualified or not liable to serve, and by inserting the name of any person omitted and appearing to be so qualified and liable, either on the application of the person omitted, or on such notice to him as the Court thinks fit to direct.

The list shall be finally revised and settled not later than the twenty-first day of February in every year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

Such list, as settled, shall be brought into use in every year on the first day of March, and shall be used as the Jury List of the Court, for the twelve months then next ensuing.

19. Where, in pursuance of this order, a jury is required, the Court shall summon so many of the persons comprised in the jury list, not fewer than fifteen, as seem requisite.

Any person failing to attend according to such summons shall be liable to such fine, of not more than ten pounds sterling, as the Court thinks fit to impose.

Any such fine shall not be levied until after the expiration of fourteen days. The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him within six days after receipt of the notice to file an affidavit excusing his non-attendance (if he desires to do so). The Court shall consider the affidavit, and may, if it seems proper, remit the fine.

20. A jury shall consist of five jurors.

21. In civil and in criminal cases the like challenges shall be allowed as in England, with this addition, that in civil cases each party may challenge three jurors peremptorily.

22. A jury shall be required to give an unanimous verdict.

23. Where there is a jury, all the proceedings at the trial shall be conducted in English,—evidence, if given in any other language, being interpreted in the usual way.

24. Where a Provincial Consular Court (not held before a resident Legal Vice-Consul) proceeds, in pursuance of this Order, to hear and determine any case, civil or criminal, with Assessors, the Court shall nominate and summon as Assessors, not less than two and not more than four indifferent British subjects of good repute, resident in the district of the Court.

Where, however, by reason of local circumstances, the Court is able to obtain the presence of one fit person only as Assessor, the Court may sit with him alone as Assessor, and where, for like reasons, it is not able to obtain the presence of any fit person as Assessor, it may sit without an Assessor; but in every such case the Court shall record in the minutes of proceedings its reasons for sitting with one Assessor only, or without an Assessor.

25. An Assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal, but an Assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any decision of the Court, or the conviction or the amount of punishment awarded, may record in the minutes of proceedings his dissent and the grounds thereof, and an Assessor dissenting shall be entitled to receive gratis a certified copy of the minutes.

#### V.—JURISDICTION AND AUTHORITIES OF THE CONSULAR COURTS.

##### 1.—IN GENERAL.

26. All Her Majesty's jurisdiction, civil and criminal, exerciseable in the Ottoman dominions, shall, for and within the district of the Consulate-General of Constantinople, be vested exclusively in the Supreme Consular Court as its ordinary original jurisdiction.

27. All Her Majesty's jurisdiction, civil and criminal, exerciseable in the Ottoman dominions, beyond the district of the Consulate-General of Constantinople, and not under this Order vested exclusively in the Supreme Consular Court, shall, to the extent and in the manner provided by this Order, be vested in the Provincial Consular Courts each for and within its own district.

28. The Supreme Consular Court shall have, in all matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the several Provincial Consular Courts, such concurrent jurisdiction to be exercised subject and according to the other provisions of this Order.

29. The Judge of the Supreme Consular Court may visit, in a magisterial or judicial capacity, any Provincial Consular Court, and there inquire of, or hear and determine, any case, civil or criminal, pending in that Court, or arising within its district, or may appoint the Law Secretary of the Supreme Consular Court to visit in the like capacity and for the like purpose any Provincial Consular Court, or may appoint the resident Legal Vice-Consul of any Provincial Consular Court to visit in the like capacity and for the like purpose any Provincial Consular Court where there is not a resident Legal Vice-Consul.

30. A Provincial Consular Court may, of its own motion, or on the application of any person

concerned, report to the Supreme Consular Court the pendency of any case, civil or criminal, which appears to the Provincial Consular Court fit to be heard and determined by the Supreme Consular Court.

The Supreme Consular Court shall thereupon direct in what mode and where the case shall be heard and determined, and the same shall be so heard and determined accordingly.

31. Every Consular Court shall, in the exercise of every part of its respective jurisdiction, be a Court of Record.

32. Each Provincial Consular Court shall execute any writ or order issuing from the Supreme Consular Court, and take security from any person named in any writ or order for his appearance personally or by attorney, and in default of such security being given, or when specially ordered by the Supreme Consular Court so to do, send such person to Constantinople on board one of Her Majesty's vessels of war, or if there is no such vessel available, then on board any British or other fit vessel.

The order of the Supreme Consular Court shall be sufficient authority to the commander or master of such vessel of war or other vessel to receive and detain such person, and carry him to and deliver him up at Constantinople according to the order.

33. The several Consular Courts shall be auxiliary to one another in all particulars relative to the administration of justice, civil or criminal.

34. Each Provincial Consular Court shall every six months furnish to the Supreme Consular Court a report of every case, civil and criminal, brought before it, in such form as the Judge of the Supreme Consular Court from time to time directs.

## II.—IN CIVIL MATTERS.

### *Reconciliation and Arbitration.*

35. Every Consular Court and its officers shall, as far as there is proper opportunity, promote reconciliation, and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons over whom the Court has jurisdiction.

36. Every Consular Court may promote reconciliation, and encourage and facilitate the settlement in an amicable way of any suit or proceeding pending before it.

37. A Consular Court may, with the consent of the parties, refer to arbitration the final determination of any suit or proceeding pending before it, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an arbitrator and other things as may seem fit, and may, if it thinks fit, take from the parties, or any of them, security to abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a decree of the Court may be entered in conformity with the award, and such decree shall not be open to any appeal or re-hearing whatever.

38. Every agreement for reference to arbitration or submission to arbitration by consent between or by British subjects, may, on the application of any party, be made a rule of the Consular Court having jurisdiction in the matter of the reference or submission, which Court shall there-

upon have power and authority to enforce the agreement or submission and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as may be just.

### *General Authority of Courts.*

39. The Supreme and every other Consular Court shall be a Court of Law and of Equity: and (subject to the other provisions of this Order) shall have and may exercise all jurisdiction, power, and authority, legal, equitable, or other, which any Consul of Her Majesty by custom has or may exercise in the Ottoman dominions.

### *Special Authorities of Courts.*

40. The Supreme and every other Consular Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, each for and within its own district, with respect to British subjects and to their debtors and creditors, being either British subjects or foreigners submitting to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Court of Bankruptcy, and the County Courts in England, or to any other judicial authority having for the time being jurisdiction in Bankruptcy in England.

41. The Supreme Consular Court shall be a Court of Vice-Admiralty, and as such shall, for and within the Ottoman dominions, and for vessels and persons coming within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad.

Every Provincial Consular Court held before a resident Legal Vice-Consul shall be a Court of Vice-Admiralty, and as such shall, for its own district, and for vessels and persons coming within that district, have the like jurisdiction.

42. The Supreme Consular Court shall, as far as circumstances admit, have in itself exclusively, for and within the dominions of the Sublime Ottoman Porte, with respect to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind as for the time being belongs to the Lord Chancellor or other person or persons in England intrusted by virtue of Her Majesty's sign manual with the care and commitment of the custody of the persons and estates of persons found by inquisition in England, idiot, lunatic, or of unsound mind.

43. The Supreme Consular Court shall be a Court for Matrimonial Causes, and as such shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to British subjects, all such jurisdiction, except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

44. The Supreme Consular Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within the Ottoman dominions, with respect to the property of British subjects having at the time of death their fixed places of abode within those dominions, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

A Provincial Consular Court shall, however, also have power to grant probate or administration where there is no contention respecting the right to the grant, and it is proved on oath that

the deceased had at the time of his death his fixed place of abode within the jurisdiction of the particular Court.

Probate or administration granted by a Provincial Consular Court shall have effect over all the property of the deceased within the Ottoman dominions, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding that any defect afterwards appears in the grant. Such a grant shall not be impeachable by reason only that the deceased had not at the time of his death his fixed place of abode within the particular jurisdiction.

45. From the death of a British subject, having at the time of death his fixed place of abode within the Ottoman dominions, intestate, until administration granted, his personal property within those dominions shall be vested in the Judge of the Supreme Consular Court, as the personal property of an intestate in England is vested in the Judge of Her Majesty's Court of Probate there.

46. If any person, other than one of Her Majesty's Consular Officers, takes possession of and in any manner administers any part of the personal property of any person deceased without obtaining probate or administration within three months after the death of the deceased, or within one month after the termination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased), he shall be liable to such penalty not exceeding one hundred pounds sterling as the Court having jurisdiction in the matter of the property of the deceased thinks fit to impose.

#### *Trial with a Jury.*

47. Where a suit instituted in the Supreme Consular Court, or in a Provincial Consular Court held before a resident Legal Vice-Consul, relates to money, goods, or other property, or any civil right or other matter at issue, of the amount or value of fifty pounds sterling or upwards,—or is brought for recovery of damages of the amount of fifty pounds sterling or upwards,—the suit shall, on the demand of either party, be tried with a jury.

In any case (except where, according to the Rules of the Court, the suit is to be heard and determined in a summary way) a suit so instituted may be tried with a jury, if the Court of its own motion or on the application of either party, thinks fit so to order.

One of Her Majesty's Principal Secretaries of State may, by order under his hand, extend the present provision to any Provincial Consular Court not held before a resident Legal Vice-Consul where it appears to him a sufficient jury list can be obtained.

#### *Trial with Assessors.*

48. Where a suit instituted in a Provincial Consular Court not held before a resident Legal Vice-Consul relates to money goods or other property of a less amount or value than three hundred pounds sterling,—or does not relate to or involve, directly or indirectly, a question respecting any civil right or other matter at issue of the amount or value of three hundred pounds sterling or upwards,—or is brought for recovery of damages of a less amount than three hundred pounds sterling,—the Court may hear and determine the case without Assessors.

In all other cases the Court shall hear and determine the case with Assessors.

### III.—IN CRIMINAL MATTERS.

49. Every Consular Court shall have authority to cause to be apprehended and brought before it any British subject being within the district of the Court and charged with having committed a crime or offence within the Ottoman dominions, or on board a British vessel within those dominions, and to deal with the accused according to the jurisdiction of the Court and in conformity with the provisions of this Order; or where the crime or offence is triable, and is to be tried, in England, to take the preliminary examination, and to commit the accused for trial, and cause or allow him to be taken to England.

50. Where a person charged with a crime or offence escapes or removes from the Consular district within which the crime or offence was committed and is found within another Consular district, the Consular Court within the district of which he is found may proceed in the case to examination, trial, and punishment, or in a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own district; or may, on the requisition or with the consent of the Court of the district within which the crime or offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and be dealt with according to law.

Where any person is to be so sent in custody a warrant shall be issued by the Court within the district of which he is found, and such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up to the Court of the district within which the crime or offence was committed, according to the warrant.

51. Where a warrant or order of arrest is issued by a competent authority in Malta for the apprehension of a British subject, a native of Malta, or of any of its dependencies, who is accused of having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the Ottoman dominions, and the warrant or order is produced to a Consular Court, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom the warrant or order was originally directed, and also to any constable or any other officer of the Court by which it is backed, to apprehend the accused at any place in the Ottoman dominions where the Court by which the warrant or order is backed has jurisdiction, and to carry him to and deliver him up at Malta, according to the warrant or order.

52. Where any person is charged with the commission of a crime or offence the cognizance whereof appertains to a Consular Court in the Ottoman dominions, and it is expedient that the crime or offence be inquired of, tried, determined, and punished within Her Majesty's dominions, the accused may (under the foreign jurisdiction Act, Section 4,) be sent for trial, as follows, namely,—with respect to Native Indian subjects of Her Majesty, to Bombay, and with respect to other British subjects, to Malta.



The Judge of the Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause the accused to be sent for trial to Bombay or to Malta (as the case may require) accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up at Bombay or at Malta (as the case may be), according to the warrant.

Where any person is to be so sent to Bombay or to Malta, the Consular Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognizances to appear and give evidence on the trial.

53. A Consular Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault or any other offence not amounting to felony and being of a private or personal character, on terms of payment of compensation or other terms that may seem reasonable or expedient, and may thereupon order the proceedings to be stayed.

54. All crimes which in England are capital shall be tried by the Judge of the Supreme Consular Court with a jury.

Other crimes and offences above the degree of misdemeanour, tried before the Judge or Law Secretary of the Supreme Consular Court, and not heard and determined in a summary way, shall be tried with a jury.

Any crime or offence tried before the Judge or Law Secretary of the Supreme Consular Court may be tried with a jury where the Judge or Law Secretary so directs.

Subject to the foregoing provisions, such classes of criminal cases within the original jurisdiction (ordinary or concurrent) of the Supreme Consular Court as the Judge, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined in a summary way.

55. The Supreme Consular Court may impose the punishment of imprisonment for any term not exceeding twenty years, with or without hard labour, and with or without a fine not exceeding five hundred pounds sterling, or the punishment of a fine alone not exceeding five hundred pounds sterling.

56. Where any person is convicted of murder, the proper officer of the Court, under the direction of the Judge, shall, in open court, require the offender to state if he has anything to say why judgment of death should not be recorded against him. If such offender does not allege anything that would be sufficient in law to prevent such judgment if the offence had been committed and the trial had been had in England, the Court may order such judgment to be entered on record.

Thereupon the proper officer shall enter judgment of death on record against such offender, as if judgment of death had been actually pronounced on him in open court by the Court.

The Judge of the Supreme Consular Court shall forthwith send a report of every such judgment, with a copy of the minutes of proceedings and notes of evidence and any observations he thinks fit to make, to one of Her Majesty's Principal Secretaries of State, for his direction as to the punishment to be actually imposed, such actual

punishment not to exceed the measure of imprisonment and fine mentioned in Article 55.

57. Where a Provincial Consular Court is held before a resident Legal Vice-Consul, crimes and offences above the degree of misdemeanour, tried before the Court, and not heard and determined in a summary way, shall be tried with a jury.

Any crime or offence may be tried with a jury where the Court so directs.

Subject to the foregoing provisions, such classes of criminal cases as the Judge of the Supreme Consular Court, with the advice and assistance of the resident Legal Vice-Consul, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined in a summary way.

58. A Provincial Consular Court held before a resident Legal Vice-Consul may impose the punishment of imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds sterling, or the punishment of a fine alone not exceeding one hundred pounds sterling.

59. Where the crime or offence with which any person is charged before a Provincial Consular Court, not held before a resident Legal Vice-Consul, is any crime or offence other than assault endangering life, cutting, maiming, arson, or house-breaking, and appear to the Court to be such that, if proved, it would be adequately punished by imprisonment, with or without hard labour, for not more than three months, or by a fine of not more than twenty-five pounds sterling, the Court shall hear and determine the case in a summary way and without Assessors.

In other cases the Court shall hear and determine the case on indictment and with Assessors.

60. A Provincial Consular Court not held before a resident Legal Vice-Consul may impose the punishment of imprisonment for any term not exceeding twelve months, with or without hard labour, and with or without a fine of fifty pounds sterling, or the punishment of a fine alone not exceeding fifty pounds sterling.

61. Where the crime or offence with which any person is charged before a Provincial Consular Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to England, Bombay, or Malta, the Court shall reserve the case to be heard and determined by or under the special authority of the Supreme Consular Court.

The Provincial Consular Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and a report on the case, to the Supreme Consular Court.

The Supreme Consular Court shall direct in what mode and where the case shall be heard and determined, and the same shall be so heard and determined accordingly.

62. The Supreme and every other Consular Court in imposing punishments shall have regard, as far as circumstances admit, and subject to the other provisions of this Order, to the punishments imposed by the law of England in like cases.

63. A Consular Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of his trial and imprisonment or other punishment.

Where it appears to the Court that a charge is malicious, or frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the prosecutor.

64. Where the circumstances of the case make it just or expedient, the Judge of the Supreme Consular Court may report to one of Her Majesty's Principal Secretaries of State recommending a mitigation or remission of any punishment awarded by the Supreme or any other Consular Court; and on such recommendation any such punishment may be mitigated or remitted.

But no such recommendation shall be made with respect to any punishment awarded by a Provincial Consular Court, except on the recommendation of that Court, or on the dissent of the Assessors or Assessor, if any, from the conviction or from the amount of punishment awarded.

65. The Judge of the Supreme Consular Court may, where it seems expedient, by warrant under his hand and the seal of the Supreme Consular Court, cause any offender convicted before any Consular Court and sentenced to imprisonment, to be sent to and imprisoned at any such place in the Ottoman dominions, as one of Her Majesty's Principal Secretaries of State from time to time approves.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up at such place, according to the warrant.

66. Where any offender convicted before a Consular Court in the Ottoman dominions is sentenced to suffer imprisonment in respect of the crime or offence of which he is convicted, and it is expedient that the sentence be carried into effect within Her Majesty's dominions, the offender may (under The Foreign Jurisdiction Act, Section 5,) be sent for imprisonment as follows, namely,—with respect to Native Indian subjects of Her Majesty, to Bombay, and with respect to other British subjects, to Malta.

The Judge of the Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause such offender to be sent to Bombay or to Malta (as the case may require), in order that the sentence passed upon him may be there carried into effect accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and him detain the person therein named, and carry him to and deliver him up at Bombay or at Malta (as the case may be), according to the warrant.

67. The Supreme Consular Court shall, when required by one of Her Majesty's Principal Secretaries of State, send to the Secretary of State a report of the sentence passed by the Judge or Law Secretary of the Court in any case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence and any observations the Court thinks fit to make.

Every Provincial Consular Court shall forthwith send to the Supreme Consular Court a report of the sentence passed by it in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence and any observations the Court thinks fit to make. The Supreme Consular Court shall, when required by one of Her Majesty's Principal Secretaries of State, transmit the same, with any observations the Court thinks fit to make, to the Secretary of State.

#### VI.—DEPORTATION OF OFFENDERS.

68. (i.) Where it is shown on oath, to the satisfaction of a Consular Court, that there is reasonable ground to apprehend that any British subject in the Ottoman dominions is about to commit a breach of the public peace,—or that the acts or conduct of any such British subject are or is likely to produce or excite to a breach of the public peace,—the Court may cause him to be brought before it and require him to give security to the satisfaction of the Court, to keep the peace, or for his future good behaviour, as the case may require.

(ii.) Where any British subject is convicted of any crime or offence before a Consular Court, or before a Court in the sentence of which one of Her Majesty's Consular Officers concurs, the Consular Court for the district in which he happens to be may require him to give security to the satisfaction of the Court for his future good behaviour.

In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from the Ottoman dominions to such place as the Court directs.

The Court shall not, however, without the consent of the person to be deported, direct the deportation of a Native Indian subject of Her Majesty to any place other than Bombay,—or of a native of Malta or of any of its dependencies to any place other than Malta,—or of a native of Gibraltar to any place other than Gibraltar,—or of a native of any part of Her Majesty's dominions other than Malta, its dependencies, or Gibraltar (the person to be deported not being a Native Indian subject of Her Majesty), to any place other than England.

A Provincial Consular Court shall forthwith report to the Supreme Consular Court any order of deportation made by it, and the grounds thereof. The Supreme Consular Court may reverse the order, or may confirm it with or without variation, and in case of confirmation, shall direct it to be carried into effect.

The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

He shall, as soon as may be practicable (and in the case of a person convicted, either after execution of the sentence or while it is in course of execution), be embarked in custody under the warrant of the Supreme Consular Court on board one of Her Majesty's vessels of war, or, if there is no such vessel available, then on board any British or other fit vessel bound to the place of deportation.

The warrant of the Court shall be sufficient authority to the commander or master of such vessel of war, or other vessel, to receive and detain the person to be deported and carry him to and deliver him up at the place of deportation, according to the warrant.

69. The Supreme or other Consular Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed as the expenses relating to distressed British subjects are defrayed, or in such other manner as one of Her Majesty's Principal Secretaries of State from time to time directs.

70. The Supreme Consular Court shall forthwith report to one of Her Majesty's Principal Secretaries of State any order of deportation made

or confirmed by it and the grounds thereof, and shall also inform Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte of the same.

71. If any person deported returns to the Ottoman dominions without the permission of one of Her Majesty's Principal Secretaries of State (which permission the Secretary of State may give), he shall be liable on conviction thereof to punishment (in the discretion of the Court before which he is convicted) by imprisonment for not more than one month, with or without hard labor, and with or without a fine of not more than ten pounds sterling, or by a fine of not more than twenty pounds sterling alone, and also to be forthwith again deported in manner hereinbefore provided.

#### VII.—REGISTRATION OF RESIDENTS AND OTHERS.

72. Every British subject (except Native Indian subjects of Her Majesty) resident in the Ottoman dominions,—being of the age of twenty-one years or upwards,—or being married or a widower or widow, though under that age,—shall, in the month of January in every year, register himself or herself in a register to be kept at the Consulate of the Consular district within which he or she resides,—subject to this qualification, that the registration of a man shall be deemed to comprise the registration of his wife (unless she is living apart from him), and that the registration of the head of a family, whether male or female, shall be deemed to comprise the registration of all females being relatives of the head of the family (in whatever degree of relationship) living under the same roof with the head of the family at the time of his or her registration.

Every such British subject not so resident arriving at any place within the Ottoman dominions where a Consular Office is maintained, unless borne on the muster-roll of a British vessel there arriving, shall, within one month after his or her arrival, register himself or herself in a register to be kept at the Consular Office,—but so that no such person shall be required to register himself or herself more than once in any year, reckoned from any first day of January.

Any person failing so to register himself or herself, and not excusing his or her failure to the satisfaction of the Consular Officer, shall not be entitled to be recognised or protected as a British subject in the Ottoman dominions, and shall be liable to a fine of not more than forty shillings for each instance of such failure.

73. Any Native Indian subject of Her Majesty, resident in or resorting to the Ottoman dominions, may, if he or she thinks fit, register himself or herself at the respective times and in the manner aforesaid.

Any Native Indian subject of Her Majesty not so registering himself or herself shall not be entitled to sue in any of Her Majesty's Consular Courts in the Ottoman dominions, or to receive the support or protection of any of Her Majesty's Consular Officers with respect to any suit or proceeding to which he or she is a party in a Court or before a judicial officer of the Sublime Ottoman Porte or in a Court or before a judicial officer in the Ottoman dominions of any state in amity with Her Majesty; nor shall any of Her Majesty's Consular Officers exercise any jurisdiction for the punishment of any crime or offence committed by any Native Indian subject of Her Majesty

unless at the date of the commission of the crime or offence he or she was so registered.

74. Every person shall on every such registration of himself or herself pay a fee of five shillings.

75. The Consular Officer shall give to every person so registered a certificate of registration under his hand and Consular seal; and the name of a wife (unless she is living apart from her husband) shall be indorsed on her husband's certificate; and the names and descriptions of females whose registration is comprised in that of the head of the family shall be indorsed on the certificate of the head of the family.

#### VIII.—DEATHS OF BRITISH SUBJECTS NON-RESIDENT.

76. Where a British subject, not having at the time of death his fixed place of abode in the Ottoman dominions, dies in those dominions, the Consular Court, within whose district he dies, shall, where the circumstances of the case appear to the Court so to require, forthwith on the death of the deceased, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the seal of the Court, (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep the property until it can be dealt with according to law.

#### IX.—OFFENCES AGAINST RELIGION.

77. If any British subject is guilty of publicly deriding, mocking, or insulting any religion established or observed within the Ottoman dominions, or of publicly offering any insult to any religious service, feast, or ceremony established or kept in any part of those dominions, or to any place of worship, tomb, or sanctuary belonging to any such religion, or to the ministers or professors thereof,—or of wilfully committing any act tending to bring any such religion, or its ceremonies, mode of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace,—he shall be liable (in the discretion of the Court) to imprisonment for not more than two years, with or without hard labour, and with or without a fine of not more than one hundred pounds sterling, or to a fine of not more than one hundred pounds sterling alone.

Notwithstanding anything in this Order, every charge against a British subject of having committed any such offence shall be heard and determined in a summary way, and any Provincial Consular Court shall have power to impose the punishment aforesaid.

Her Majesty's Consular Officers shall take such precautionary measures as seem to them proper and expedient for the prevention of such offences.

#### X.—FOREIGNERS. FOREIGN TRIBUNALS.

78. Where a foreigner desires to institute or take any suit or proceeding of a civil nature against a British subject, or a British subject against a foreigner, the Supreme or other Consular Court, according to its respective jurisdiction, shall entertain the same, and shall hear and determine it, either by the Judge or proper Consular Officer sitting alone, or, if all parties desire, or the Court thinks fit to direct, a trial with a jury, then by such Judge or Officer with a jury, but in all other respects according to the ordinary course of the Court.



Provided that the foreigner first obtains and files in the Court the consent in writing of the competent local authority on behalf of the Sublime Ottoman Porte or that of the Consul of his own nation (as the case may be) to his submitting, and does submit, to the jurisdiction of the Court, and if required, gives security to the satisfaction of the Court, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform such decision as may be given by the Supreme or other Consular Court originally or on appeal (as the case may require).

79. Where it is shown to a Consular Court that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a Court or before a judicial officer of the Sublime Ottoman Porte, or in a Court or before a judicial officer in the Ottoman dominions of any state in amity with Her Majesty, the Consular Court may, in cases and under circumstances which would require the attendance of such British subject before one of Her Majesty's Consular Courts in the Ottoman dominions, and if it seems to the Consular Court just and expedient so to do, make an order for the attendance of such British subject in such Court or before such judicial officer and for such purpose as aforesaid,—but so that a Provincial Consular Court shall not have power to make an order for such attendance of a British subject at any place beyond the particular jurisdiction of the Court.

Any British subject, duly served with such an order and with reasonable notice of the time and place at which his attendance is required, failing to attend accordingly and not excusing his failure to the satisfaction of the Court making the order, shall be liable to a fine of not more than one hundred pounds sterling, or to imprisonment for not more than one month, in the discretion of the Court.

#### XI.—APPEAL TO SUPREME CONSULAR COURT.

##### I.—IN CIVIL CASES.

80. Where any decision of a Provincial Consular Court, sitting with or without Assessors, is given in a civil case in respect of a sum or matter at issue of the amount or value of fifty pounds sterling or upwards,—or determines, directly or indirectly, any claim or question respecting property or any civil right of the amount or value of fifty pounds sterling or upwards,—any party aggrieved by the decision may apply to the Provincial Consular Court for leave to appeal to the Supreme Consular Court, and shall be entitled to leave on the terms prescribed by the Rules made under this Order and subject to any restrictions and exceptions therein contained.

In any other case the Provincial Consular Court may, if it seems just and expedient, give leave to appeal on like terms.

In any case the Supreme Consular Court may give leave to appeal on such terms as seem just.

##### II.—IN CRIMINAL CASES.

81. Where any person is convicted otherwise than in a summary way of a crime or offence, the Court or Consular Officer before whom he is tried may reserve, for the consideration of the Supreme Consular Court, any question of law arising on the trial.

The Court or Officer shall then state a special case setting out the question reserved, with the

facts and circumstances on which it arose, and shall send the case to the Supreme Consular Court.

82. Where any person is convicted in a summary way of a crime or offence, and is dissatisfied with the conviction as being erroneous in point of law, the Court or Consular Officer before whom he is tried shall, on his application, (unless the application appears merely frivolous, in which case the Court or Officer may refuse the application,) state a special case setting out the facts and the grounds of the conviction for the opinion of the Supreme Consular Court, and send it to that Court.

83. Where a special case is stated, the Court or Consular Officer shall, as seems fit, either postpone judgment on the conviction, or respite execution of the judgment, and either commit the person convicted to prison, or take proper security for him to appear and receive judgment or to render himself in execution (as the case may require) at an appointed time and place.

84. The Supreme Consular Court shall hear and finally determine the matter, and thereupon shall reverse, affirm, or amend any judgment given at the trial,—or set aside such judgment, and order an entry to be made in the minutes of proceedings that in the judgment of the Supreme Consular Court the person ought not to have been convicted,—or arrest the judgment,—or order judgment to be given at a subsequent sitting of the Court or Officer by whom the case is stated,—or make such other order as justice requires,—and shall also give all necessary and proper consequential directions.

85. The judgment of the Supreme Consular Court shall be delivered in open Court after the public hearing of any argument offered on behalf of the prosecution or of the person convicted.

86. Before delivering judgment, the Supreme Consular Court may, if necessary, cause the special case to be amended by the Court or Consular Officer by whom it was stated.

#### XII.—APPEAL TO HER MAJESTY IN COUNCIL.

87. Where any decision of the Supreme Consular Court is given in a civil case in respect of a sum or matter at issue of the amount or value of five hundred pounds sterling or upwards,—or determines directly or indirectly any claim or question respecting property or any civil right of the amount or value of five hundred pounds sterling or upwards,—any party aggrieved by the decision may, within fifteen days after the same is given, apply by motion to the Supreme Consular Court for leave to appeal to Her Majesty in Council.

If leave to appeal is applied for by a party adjudged to pay money or perform a duty, the Supreme Consular Court shall direct either that the decision appealed from be carried into execution, or that the execution thereof be suspended, pending the appeal, as the Court considers to be in accordance with substantial justice.

If the Court directs the decision to be carried into execution, the party in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

If the Court directs the execution of the decision to be suspended pending an appeal, the party against whom the decision is given shall, before any order for suspension of execution, give secu-

rity to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

In all cases security shall also be given by the appellant to the satisfaction of the Court to an amount not exceeding five hundred pounds sterling for the prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

If the last-mentioned security is given within one month from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Consular Court shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to Her Majesty in Council according to the rules for the time being in force respecting appeals to Her Majesty in Council from Her Colonies, or such other rules as Her Majesty in Council from time to time thinks fit to make concerning appeals from the Supreme Consular Court.

In any case other than the cases hereinbefore described, the Supreme Consular Court, if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

88. This Order shall not affect the right of Her Majesty at any time, on the humble petition of a party aggrieved by a decision of the Supreme Consular Court, to admit his appeal thereon on such terms and in such manner as Her Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

#### XIII.—RULES.

89. The Judge of the Supreme Consular Court may, notwithstanding anything herein contained, at any time after the passing of this Order, and from time to time, frame Rules for the effectual execution of this Order, and for the observance of the Capitulations, Articles of Peace, and Treaties between Her Majesty and the Sublime Ottoman Porte, and for the maintenance of order among British subjects in the Ottoman dominions, and may thereby impose reasonable penalties; and also Rules for the regulation of procedure and pleading, forms of writs, and other proceedings, expenses of witnesses and prosecutions, costs and fees, in civil and criminal cases, in the Supreme Consular Court, and other Consular Courts, and the regulation of appeals to the Supreme Consular Court from the other Consular Courts.

The Rules affecting the conduct of civil suits shall be so framed as to secure, as far as may be, that cases shall be decided on their merits according to substantial justice without excessive regard to technicalities of pleading or procedure and without unnecessary delay.

No Rules shall take effect unless and until approved by one of Her Majesty's Principal Secretaries of State.

The Rules made under the Order of the 9th day of January 1863, shall remain in force until Rules made under the present Order take effect; and references to the Order of the 9th day of January 1863, in the Rules made thereunder shall be construed as referring to the corresponding provisions of the present Order.

90. A copy of the Rules for the time being in force shall be exhibited in some conspicuous place in each Consular Court and Consulate in the Ottoman dominions. Printed copies shall be provided and sold at such reasonable price as the Judge of the Supreme Consular Court from time to time directs.

No penalty shall be enforced in any Court for the breach of any Rule, until the Rule has been so exhibited in the Court for one month.

91. For the purpose of convicting any person committing a breach of any Rule, and for all other purposes of law, a printed copy of the Rule, purporting to be certified under the hand of the Judge of the Supreme Consular Court and the seal of the Court or under the hand and Consular seal of one of Her Majesty's Consular Officers, shall be taken as conclusive evidence of the same, and no proof of the handwriting or seal purporting to certify the same shall be required.

#### XIV.—MISCELLANEOUS PROVISIONS.

92. In every case, civil or criminal, heard in a Consular Court, proper minutes of the proceedings shall be drawn up, and shall be signed by the Judge or Consular Officer before whom the proceedings are taken, and sealed with the seal of the Court, and shall, where Assessors are present, be open for their inspection and for their signature, if concurred in by them.

The minutes, with depositions of witnesses, and notes of evidence taken at the trial by the Judge or Consular Officer, shall be preserved in the public office of the Court.

93. In a civil case, a Consular Court may order such costs, or costs, charges, and expenses, as to the Court seem reasonable, to be paid by any party to the proceeding, or out of any fund to which the proceeding relates.

94. A Consular Court, either of its own motion, or, in civil cases, on the application of any party to any suit or proceeding or reference, may summon as a witness any British subject in the Ottoman dominions,—but so that a Provincial Consular Court shall have power so to summon British subjects in its own district only.

Any British subject, duly served with such a summons and with reasonable notice of the time and place at which his attendance is required, failing to attend accordingly, and not excusing his failure to the satisfaction of the Court, shall, over and above any other liability to which he may be subject, be liable to a fine of not more than one hundred pounds sterling, or to imprisonment for not more than one month in the discretion of the Court.

95. In civil cases a Consular Court may, where the circumstances appear to justify it, order that the expenses of a witness, on his appearing to give evidence, shall be defrayed by the parties, or any of them.

96. Any person appearing before a Consular Court to give evidence in any case, civil or criminal, may be examined or give evidence on oath, in the form or with the ceremony that he declares to be binding on his conscience.

97. Any British subject wilfully giving false evidence in any suit or proceeding, civil or criminal, or on any reference, shall be deemed guilty of wilful and corrupt perjury.

98. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all

fees, fines, forfeitures, and pecuniary penalties payable under this Order, may be levied by distress and seizure, and sale of ships, goods, and lands; and no bill of sale, or mortgage, or transfer of property, made with a view to security in regard to crimes or offences committed, or to be committed, shall be of any avail to defeat the provisions of this Order.

99. All fees, fines, forfeitures, and pecuniary penalties levied under this Order shall be carried to the public account, and be applied in diminution of the public expenditure on account of Her Majesty's Consular service in the Ottoman dominions.

100. A copy of this Order shall be exhibited in each Consular Court and Consulate in the Ottoman dominions. Printed copies shall be provided and sold at such reasonable price as the Judge of the Supreme Consular Court directs.

101. Any suit or proceeding shall not be commenced in a Consular Court against any person for anything done or omitted under this Order, or any Rule made under it, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the suit or proceeding, nor unless it is commenced within three months next after the act or omission complained of, or in case of a continuation of damage within three months next after the doing of such damage has ceased.

The plaintiff in any such suit shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof; and if no tender is made, the defendant may, by leave of the Court, at any time pay into Court such sum of money as he thinks fit, wherupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary suit.

#### XV.—JOINT JURISDICTION.

102. In any case in the decision of which, under the Capitulations, Articles of Peace, and Treaties with the Sublime Ottoman Porte, any of Her Majesty's Consuls may or ought to concur, the Judge of the Supreme Consular Court or a Consular Officer exercising jurisdiction under this Order shall exclusively act on the part and on behalf of Her Majesty.

And the Right Honourable the Earl Russell, and the Right Honourable Edward Cardwell, and the Right Honourable Sir Charles Wood, three of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

GENERAL

No. 234.

*The 30th January 1865.*

The leave of absence granted to Colonel G. Ramsay, Resident at Nipal, in G. O. No. 1633, dated 20th December last, is extended to twenty-two months.

No. 236.

Major R. Ranken, Assistant General Superintendent of Operations for the Suppression of Thuggee and Dacoitee at Jubbulpore, has obtained privilege leave of absence for one month, from the 10th December 1864.

No. 238.

Lieutenant W. J. W. Muir, Assistant to the Governor-General's Agent for the States of Rajpootana, returned to his duty, on the 4th instant, from the leave granted him in G. O. No. 1128, dated 6th September 1864.

No. 239.

Mr. R. Berkeley, Assistant Commissioner, 2nd Class, in Oudh, has obtained leave to England on medical certificate for fifteen months, from the 25th May 1864.

No. 241.

Major J. F. J. Stevenson, Deputy Commissioner, 3rd grade, in British Burmah, has obtained the usual leave to reach the port of embarkation, preparatory to applying for further leave to Europe on medical certificate.

Major Stevenson made over charge of his office to Captain F. N. Bayley, Assistant Commissioner at Bassein, on the afternoon of the 2nd instant.

No. 249.

*The 2nd February 1865.*

Mr. D. A. Cameron, Extra Assistant Commissioner, Nursingpore, in the Central Provinces, has obtained privilege leave of absence for three months from the date on which he may be relieved of his duties.

No. 251.

Lieutenant T. Cadell, v. c., assumed charge of the office of Bheel Agent and Political Assistant, from Major W. G. Cumming, on the 1st January.

No. 262.

Assistant Surgeon T. M. Lounds made over medical charge of the Rajpootana Agency to Assistant Surgeon W. J. Moore, of the Jodhpore Political Agency, on the afternoon of the 14th January.

No. 253.

Captain H. E. Mottet, Assistant Superintendent, 2nd Class, in Mysore, has obtained privilege leave of absence for 10 days from the 15th January 1865.

A. COLVIN,

*Offg. Under Secy. to the Govt. of India.*

#### FINANCIAL DEPARTMENT.

No. 631.

*Fort William, the 8rd February 1865.*

#### NOTIFICATION.

Mr. W. E. Gordon, Deputy Auditor and Accountant General, Hyderabad, made over charge of his office to his Chief Assistant, Mr. J. Rose, on the afternoon of the 20th January 1865.

E. H. LUSHINGTON,

*Secy. to the Govt. of India.*



**MILITARY DEPARTMENT.***Fort William, the 30th January 1865.*

No. 115 of 1865.—The following rates will, in future, be allowed to Staff Sergeants and Sergeants of the Royal Artillery, on re-enlistment, in lieu of the Undress Jacket and Forage Cap:—

		£	s.	d.
Jackets, Undress, Forage Caps.	Horse Brigades	Staff Sergeants	..	2 10 5
		Sergeants	..	1 11 6
	Field and Garrison Brigades	Staff Sergeants	..	2 10 5
		Sergeants	..	1 3 1
	Staff Sergeants and Sergeants	..	..	0 12 5

The above order will be applicable to all three Presidencies.

*The 2nd February 1865.*

No. 116 of 1865.—In publishing, for general information the following Despatch, from the Right Hon'ble the Secretary of State, No. 41, dated 23rd November 1863, His Excellency the Governor General in Council is pleased to announce that the Royal Warrant and Regulations No. 12750,\* dated 30th September 1864, issued in pursuance of the "Regimental Debts Act, 1863," will come into operation in India on the 1st March 1865, from and after which latter date all previous Regulations, repugnant to the provisions of the said Act and Warrant, will cease to have effect.

2. Copies of the Act and Warrant will be issued to Corps and Departments.

LEGISLATIVE. INDIA OFFICE,  
No. 41. London, 23rd November 1864.  
To His Excellency the Right Hon'ble the Governor General of India in Council.

With reference to the concluding paragraph of my Despatch No. 29, dated 23rd September last, I herewith transmit to you a copy of the Regimental Debts Act, 1863, and three copies of the Royal Warrant which has been issued under it. As you have been already informed, the Warrant should be promulgated after the Mutiny Act of 1864 shall have come into force, in order to avoid any difficulty which might arise from the supersession of the regulations laid down in the Warrant by those provisions of the Mutiny Act which relate to the same subject, and which it is intended by the Warrant to repeal. The Warrant when promulgated will, with the Regimental Debts Act, be the sole and standing authority on the matters comprised in them, and care will be taken to exclude from the Annual Mutiny Act in future any provisions bearing on the subject of the administration of the estates of deceased Officers and Soldiers.

2. In regard to the mode of proceeding on the death of an Officer or Soldier leaving effects, the Regimental Debts Act and the Royal Warrant contain the necessary instructions. In all cases a Committee of Adjustment will be appointed, who, in the case of a Soldier of Her Majesty's Army, as defined in Section 2 of the Act, will proceed, in disposing of the surplus of the personal estate of the deceased, in the manner prescribed by Section 11 of the Act, and Clause 16 of the Warrant; and in all other cases whatsoever (including the estates of Commissioned Officers of Her Majesty's Army, of Commissioned Officers who constitute the Staff Corps of the three Presidencies, and of Warrant

and Non-Commissioned Officers and Soldiers who have preferred the conditions of local service) will proceed as directed in Section 12 of the Act and Clause 17 of the Warrant, by which last-mentioned provision the Military Secretary to the Government of the Presidency in which the deceased was quartered is declared to be the "Officer" to whom, under Section 10 of the Act, the surplus is to be remitted, or with whom it is to be lodged.

3. Section 9 of the Act authorizes the Committee of Adjustment, in certain cases, to deliver over the effects received by them to the Administrator General for the Presidency in which the deceased was quartered. What those circumstances are, are indicated in Clause 11 of the Warrant. The course is one to which Committees of Adjustment in all probability will not find it necessary frequently to resort.

4. The course to be followed by the Military Secretary on receipt of the personal estate of the deceased, is pointed out in Section 12 of the Act, and in Clauses 25, 26, 27, and 28 of the Warrant.

5. The payment of arrears to the Military and Orphan Funds is provided for by Section 23 of the Act.

6. The only other provision of the Act to which I consider it necessary to call your attention is that part of Section 21 which fixes the maximum percentage to be taken by the Administrator General at three per cent. With reference to this enactment, you will probably consider it expedient formally to declare, by an Act of the Legislature, that Section 26 of the Indian Act VIII of 1855 shall not be applicable to the estates of deceased Officers and Soldiers delivered over to the Administrator General by the Military Secretary, or by a Committee of Adjustment.

I have, &c.,

C. Wood.

No. 117 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel (Brevet Colonel) Sir Herbert Benjamin Edwardes, K. C. B., of the Bengal Infantry, Commissioner and Superintendent of the Umballa Division.	For 20 months, under the new Regulations.

No. 118 of 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps with effect from the dates specified opposite to their respective names, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Charles Henry Bridges, of the late 15th Native Infantry, Quarter Master of the 22nd (Punjab) Regiment Native Infantry.	28th July 1864.
Lieutenant Charles Shuttleworth, of Her Majesty's 42nd Royal Highlanders, 1st Assistant District Superintendent of Police, and ex-Officio 2nd in Command, Ajmere and Mairwarra Police Corps.	11th October 1862.

No. 119 of 1865.—The services of Surgeon A. A. Renton, M. D., of the Madras Medical Establishment, are placed temporarily at the disposal of the Foreign Department.

No. 120 of 1865.—The under-mentioned Surgeon of the Bengal Medical Department is promoted to the rank of Surgeon Major under the provisions of Government General Order No. 507 of the 20th June 1864, subject to Her Majesty's approval:—

Rank and name.	From what date.
Surgeon Robert James Atkinson, F. R. C. S. ...	24th January 1865.

No. 121 of 1865.—The following Extract from the *London Gazette* of the 13th September 1864, is published for general information:—

WAR OFFICE, PALL MALL,  
13th September 1864.  
*Brevet.*

Captain John Morland, late 1st Bengal European Fusiliers, to be Major, dated 19th January 1864.

The 3rd February 1865.

No. 122 of 1865.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names:—

Lieutenant Sir G. L. M. Parker, BART., of the Bengal Staff Corps, Quarter Master, 3rd Goorkha Regiment, on leave for twenty months, G. G. O. No. 1042 of the 19th December 1864.	"Mooltan," 24th December 1864.
Lieutenant C. R. Cock, of the late 20th Regiment N. I., on leave for twenty months, G. G. O. No. 1029 of the 15th December 1864.	"Queen of the South," 27th December 1864.
Lieutenant Colonel B. Boyd, of the Bengal Infantry, Commandant 38th Regiment N. I., on leave for twenty months, G. G. O. No. 997 of the 8th December 1864.	"Blenheim," 4th January 1865.
Veterinary Surgeon A. Turnbull, of the Bengal Establishment on furlough, G. G. O. No. 1052 of the 20th December 1864.	"Erymanthe," 4th January 1865.
Major A. S. O. Donaldson, of the late 45th Regiment N. I., on leave for twenty months, G. G. O. No. 1058 of the 22nd December 1864.	"Nubia," 10th January 1865.
Lieutenant R. J. Wimberley, of the General List, Infantry, District Superintendent of Police, Punjab, on leave for fifteen months, G. G. O. No. 973 of the 2nd December 1864.	

Lieutenant Colonel W. T. Money, of the 31st Regiment Madras Light Infantry, on leave for two years, G. G. O. No. 40 of the 9th January 1865.

Captain J. R. G. Magrath, of the Madras Staff Corps, Officiating Pay Master, Pegu Division, on leave for twenty months, G. G. O. No. 1006 of the 9th December 1864.

Surgeon W. B. Butt, of the Medical Department, on leave for twenty months, G. G. O. No. 27 of the 7th January 1865.

Surgeon J. A. C. Hutchinson, M. D., of the Medical Department, on leave to the Cape of Good Hope for two years, G. G. O. No. 33 of the 9th January 1865.

Captain T. M. Shelley, of the late 11th Regiment N. I., on furlough for three years, G. G. O. No. 34 of the 9th January 1865.

Lieutenant A. B. Fox, of the Veteran Establishment, Deputy Assistant Commissary, of the Army Commissariat Department, on leave for twenty months, G. G. O. No. 43 of the 11th January 1865.

Assistant Apothecary T. M. Sullivan, of the Subordinate Medical Department, on leave for one year, G. G. O. No. 968 of the 1st December 1864.

Assistant Apothecary J. E. Lovegrove, of the Subordinate Medical Department, on leave for fifteen months, G. G. O. No. 899 of the 14th November 1864.

Lieutenant Colonel R. N. Raikes, Bengal Infantry, on furlough for three years, G. G. O. No. 89 of the 24th January 1865.

Captain A. G. Duff, of the 36th Regiment Madras N. I., Officiating Deputy Commissioner, Ramree, on leave for twenty months, G. G. O. No. 46 of the 12th January 1865.

Captain T. Wakefield, of the Madras Staff Corps, Assistant Commissioner, Central Provinces, on leave for twenty months, G. G. O. No. 79 of the 19th January 1865.

Lieutenant F. Currie, of the late 1st European Light Cavalry, Assistant Commissioner, Roy Bareilly, on leave for twenty months, G. G. O. No. 46 of the 12th January 1865.

"St. Lawrence,"  
14th January 1865.

"Lady Jocelyn,"  
18th January 1865.

"Conflict,"  
18th January 1865.

"City of Shanghai,"  
19th January 1865.

"Bengal,"  
25th January 1865.

No. 123 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon Thomas Atchison, of { For 2 years, under the new Regulations. }  
the Medical Department.

No. 124 of 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain (Brevet Lieutenant Colonel) Peter Henry Knight Dewaal, of the late 34th Regiment Native Infantry. { For 20 months, under the new Regulations. }

Captain Charles Douglas Newmarch, of the Royal Engineers, Chief Engineer, British Burmah, and Secretary to the Chief Commissioner in the Public Works Department. { For 20 months, under the new Regulations. }

No. 125 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Alexander Andrew, of the Bengal Staff Corps, { For 6 months, without pay. }

No. 126 of 1865.—The under-mentioned soldier of Her Majesty's service is permitted to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, according to the 23rd clause of the Royal Warrant of the 1st July 1848, pending a reference to the Home Authorities as to the amount of his pension :—

Private Henry Whitehead, of Her Majesty's 52nd Regiment.

No. 127 of 1865.—Lieutenant Colonel O. Hamilton, Pension Pay Master, Meerut and Hauper, is allowed leave of absence on urgent private affairs, from the 1st to the 13th ultimo, in extension of privilege leave.

No. 128 of 1865.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the dates specified opposite to their respective names, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Thomas Myles Sandys, of the late 73rd Native Infantry, Adjutant 2nd Punjab Infantry. { 29th July 1863. }

Lieutenant Charles Kenneth Mackinnon, of the late 63rd Native Infantry, Adjutant 3rd Punjab Infantry. { 6th December 1861. }

Lieutenant Nathaniel James Jones, of the late 15th Native Infantry, Quarter Master 2nd Punjab Infantry. { 15th September 1863. }

No. 129 of 1865.—The Government General Order No. 41, of the 10th ultimo, placing the services of Lieutenant P. H. M. Wynter, of the late 32nd Native Infantry, at the disposal of the Government of Bengal, is cancelled at the request of that Officer.

No. 130 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel James Pat-  
tle Beadle, of the Royal En-  
gineers, Chief Engineer and  
Secretary to the Government  
of Bengal, Public Works  
Department. { For 20 months, under the new Regulations. }

No. 131 of 1865.—The under-mentioned War-  
rant Officer has reported his return from Eng-  
land :—

Sub-Conductor Richard Bush-  
er, attached to the Stud De-  
partment. { Date of arrival at Fort William. } 26th December 1864.

No. 132 of 1865.—Major J. R. A. S. Lowe, Deputy Assistant Commissary General, is allowed leave of absence from the 25th January to the 10th February 1865, to visit the Presidency, preparatory to applying for leave of absence on medical certificate to Europe.

H. W. NORMAN, Colonel,  
Secy. to the Govt. of India.

## PUBLIC WORKS DEPARTMENT.

### ESTABLISHMENT.

No. 23.

Fort William, the 30th January 1865.

### NOTIFICATIONS.

Mr. W. Palmer, Accountant, 1st grade, attached to Accountant General's Office, Public Works Department, Government of India, is granted two months' privilege leave, with effect from 20th February 1865.

No. 24.

The 31st January 1865.

Mr. G. D. Prussia, Accountant, 2nd grade, joined the Office of Accounts, British Burmah, on the 9th instant.

No. 25.

Mr. J. M. Algic, Probationary Assistant Engineer, British Burmah, joined the Embankment Division of Public Works on the 12th December 1864.

No. 26.

Private J. McCawley, Probationary Assistant Overseer, Public Works Department, Central Provinces, is promoted to the grade of Assistant Overseer from the 8th September 1863.

No. 27.

Colonel A. Taylor, C. B., Superintending Engineer, 1st Circle, Punjab, is appointed to officiate as Chief Engineer and Secretary to Government Punjab, vice Lieutenant Colonel R. MacLagan, proceeding on leave to Europe.

Colonel Taylor assumed charge of the Office of the Chief Engineer and Secretary to Government Punjab on the 16th instant.



## No. 28.

Baboo Wooma Kaunt Mookerjee, Assistant Accountant, 4th grade, is transferred from the Punjab to the North-Western Provinces.

## No. 29.

Mr. W. Purdon, Executive Engineer, 1st Class, is appointed an Officiating Superintending Engineer Punjab, during the absence of Lieutenant Colonel MacLagan, R. E., or until further orders.

## No. 30.

*The 2nd February 1865.*

The following temporary arrangements are made consequent on the departure of Captain C. D. Newmarch on leave on medical certificate:—

Captain W. S. Oliphant, R. E., to officiate as Chief Engineer and Secretary to Chief Commissioner, in the Public Works Department, British Burmah.

Lieutenant W. P. Tomkins, R. E., at present attached to Chief Engineer's Office, to officiate as Assistant to the Chief Engineer and Assistant Secretary to the Chief Commissioner, in the Public Works Department, British Burmah.

## No. 31.

Mr. J. Adam, Executive Engineer, 3rd Class, Punjab, having reported his arrival at Calcutta on the 5th January 1865, the unexpired portion of leave granted to him by the Right Hon'ble the Secretary of State for India (vide Notification No. 357, dated 19th December 1864), is cancelled.

E. C. S. WILLIAMS, *Captain, R. E.*

*Under Secy. to the Govt. of India.*

## ADVERTISEMENTS.

## STOLEN.

The Government Promissory Note No. 2477 of 2425 of 1842-43, for Rs. 500, of the 4 per cent. Loan originally standing in the name of Eshree Pershad, Commissariat Gomastah, and finally endorsed to the undersigned.

Payment of the above note and interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate number in favour of the proprietor.

HURDUI,  
The 16th January 1865. }

RAM NARAIN.

## WANTED.

An Auditor for the current official year's Accounts of the Medical Retiring Fund. Remuneration Rupees 300.

R. A. FINK,  
*Officiating Secretary.*

BENGAL MED. RETG. FUND, }  
The 20th January 1865. }

## SHERIFF'S OFFICE.

Notice is hereby given that the Criminal Sessions of the High Court of Judicature at Fort William in Bengal in its Ordinary Original Jurisdiction for the year 1865, will be held on the under-mentioned dates, viz.:—

1st	Criminal Sessions, Thursday, 19th January.			
2nd	do.	do.	Friday,	10th March.
3rd	do.	do.	Tuesday,	25th April.
4th	do.	do.	Monday,	5th June.
5th	do.	do.	Tuesday,	18th July.
6th	do.	do.	Monday,	14th August.
7th	do.	do.	Thursday,	14th September.
8th	do.	do.	Friday,	24th November.

H. DUNDAS,  
*Sheriff.*

12th January 1865.

## NOTICE.

The Firm of Barry, Smith and Co. expires this day.

W. H. SMITH, *Senior.*

The business hitherto carried on by Barry, Smith and Co. will be continued by the undersigned under the style and firm of W. H. Smith, Barry and Co., who will also wind up the affairs of the late firm, and in so doing will sign Barry, Smith and Co. in liquidation per W. H. Smith, Barry and Co.

WILLIAM HENRY SMITH, *Senior.*

JAMES MACKILLICAN.

ALEXANDER LAWRIE.

CALCUTTA,  
31st January 1865. }

## TO TIMBER MERCHANTS AND CONTRACTORS, &amp;c.

*Oudh Forest Department.*

A sale of Sal logs (about 100,000 cubic feet) cut in 1862-63, will take place at noon on the 2nd of March 1865, at Ghuttea Ghaut, on the Sarda, and afterwards at Dhuhara Ghaut, two miles further down stream, near the towns of Madho Sunda, Sherepore, and Poorunpore, in the Shajehanpore district; upset price 8 annas per cubic foot. The timber will be sold in both large and small quantities. The timber can be floated to Byram Ghaut for 3 annas a cubic foot, or, after land carriage of some twenty miles, can be floated down the Kumhout Nuddee to the Ganges, then to Cawnpore, Allahabad, Benares, &c. Estimated cost from Ghauts to Cawnpore, 4½ annas per cubic foot. Tenders for quantities over 1,000 cubic feet, at 8 annas per cubic foot, for cash payment, will be accepted up to date of sale. Terms of sale can be had on application to the undersigned.

E. S. WOOD, *Captain,*

*Offg. Consvr., Oudh Forests.*

CAMP, KYREEGURH FOREST, }  
vid POORUNPORE, }  
ZILLAH SHAJAHANPORE. }

## BENGAL CIVIL FUND.

*At a Half-yearly General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall on Wednesday, the 25th January 1865.*

## PRESENT:

E. H. LUSHINGTON, Esq.	F. R. COCKERELL, Esq.
V. H. SCHAICH, Esq.	T. BRUCE LANE, Esq.
THE HON'BLE R. N. CUST.	A. COLVIN, Esq.
THE HON'BLE G. CAMPBELL.	J. D. MACLEAN, Esq.
H. D. SANDEMAN, Esq.	J. GEOGHEGAN, Esq.

F. R. COCKERELL, Esq., in the Chair.

Read the following Report submitted by the Managers:—

Widow ... ..	£ 300	0	0
Son ... ..	" 30	0	0
Less 4th under Rule 7	£ 330	0	0
Yearly Allowance...	" 55	0	0
Yearly Allowance...	£ 275	0	0
Widow ... ..	£ 300	0	0
Three children ..	" 170	0	0
Yearly Allowance ..	£ 470	0	0

The Managers submit their proceedings for the past half-year for the consideration and sanction of the meeting.

Subject to the approval of the subscribers, they have admitted to the benefits of the Fund the following families:—

The widow and a son of the late Sir A. H. Lawrence, who died at Simla on the 27th August last.

The widow and three children (two sons and one daughter) of the late Mr. R. J. Scott, who died in England on the 20th of October last.

A son of the late Mr. E. Woodcock	£ 100	0	0
Mr. Philip M. Woodcock, yearly allowance	£ 100	0	0

E. Woodcock from the date of the death of the father, viz., 24th January 1864. The widow and three other children were admitted at the last meeting. The exclusion of the son now proposed for admission arose from the omission of his name in the widow's original application.

Widow ... ..	£ 300	0	0
Daughter .. ..	" 100	0	0
Yearly Allowance ..	£ 400	0	0

The widow and daughter of the late Mr. W. H. Oakes (annuitant of 1843), who died in France on the 25th June 1864. These pensions are under the Old Rules.

An addition to the admissions above specified has been made in the case of the widow of the late Mr. Nile. Mrs. Nile is an incumbent on the half allowance from the Fund of Rs. 150 a month as the widow of Mr. Thomas Wyatt, and has been re-admitted from the date

of demise of her second husband, 20th December 1864, to the full pension of Rs. 300 a month under the provisions of Article 29 of the Rules.

The Government of India having offered to allow the conversion of the Sicca Rupee Stock into current Government Rupee Stock, the Bank of Bengal has been instructed to convert the whole of the invested Capital of the Fund standing in that class of security. The transaction is one of obvious advantage to the Fund.

The Actuary (Mr. Brown) who has been engaged on a valuation of the assets and liabilities of the the Fund for the past 18 months, reports that he has finished the valuation, and is proceeding to write the report.

Under a notification which appeared in the *Gazette of India*, dated the 26th November last, the salaries of subscribers to the Civil Fund in Lower Bengal were made payable from the 1st December last without the pre-audit of the Civil Pay Master, and the Government of India decided that, under the new arrangements, it would be inexpedient to throw upon Treasury Officers the duty of making the deductions, and that the drawers of the bills should themselves note the proper deductions which the Treasury Officer is to make, each subscriber being informed by the Fund Office of any change in the rate of his subscription, consequent on any change in his family, and being required, when transferred from one district to another, to take with him to the new station a last pay certificate showing the proper deductions.

The measure being of an experimental kind, and for the present limited in its application to one Province of the Presidency, the Managers felt justified in giving effect to the arrangements approved by the Government, subject to the approval of the subscribers. The Managers proposed to watch the result of the experiment so far as the due realization of the Fund subscriptions is concerned, and to report on the subject before any steps are taken for extending its application to other Provinces, or giving it a permanent character.

In the mean time the Managers have not thought it necessary to propose any formal alteration of the Rules with reference to the measure.

The accounts of the past year, 1863-64, are submitted.

*Abstract of the Accounts of the Bengal Civil Fund for 1863-64.*

	Bearing Interest at 2 per cent.		Bearing Interest at 4 per cent.	
	Rs.	A. P.	Rs.	A. P.
<b>UNAPPROPRIATED FUNDS.</b>				
By Balance, 1st May 1863				
„ Interest	2,11,497	6 6	12,95,705	3 9
„ Subscriptions during the year	42,551	8 0	72,958	2 6
„ Payments by an Annuitant in England to complete subscription balance to Rs. 12,500 under Rule 8.	2,13,514	2 1	1,67,099	13 9
„ Composition payment by two Annuitants in India	11,965	7 0	.....	
„ Ditto ditto by four ditto in England.			5,379	9 9
„ Contributions by Annuitants paid in India	7,773	15 5	6,893	14 4
„ Ditto paid in England and by absence on furlough	.....		23,283	0 3
„ Fines from 9 subscribers under Rule 6, including 4 for unequal age at marriage.	18,441	2 11	8,275	13 7
„ Ditto from 1 under Rule 6 and for unequal age at marriage paid in England	.....		3,552	1 8
„ Refund of pension erroneously drawn in India	1,744	1 11	1,546	10 9
„ Transfer from Appropriated Funds of deduction of one-sixth from pensions under Rule 7.	325	15 9	289	1 3
„ Amount granted by Government for the payment of pensions of families of those subscribers who were killed in the mutinies.	8,326	12 6	7,384	1 6
„ Donation from the Government paid in England	29,791	14 11	26,419	4 3
	25,600	0 0	.....	
	5,66,532	7 0	16,19,786	12 11
<b>DEDUCT—</b>				
To Transfer to Appropriated Funds				
„ Value of pension of Mrs. M. R. Gubbins and five sons	30,256	3 1	86,007	10 14
„ Ditto of Mrs. G. W. Colledge, one daughter and four sons	36,394	14 4	46,679	4 0
„ Ditto of Mrs. T. P. Larkins, one daughter and four sons	36,293	13 5	44,890	10 0
„ Ditto of Mrs. R. H. Russell, two daughters and six sons	45,648	1 3	57,251	0 3
„ Ditto of Mrs. E. F. Rudcliffe, widow, five daughters and two sons of E. F. Rudcliffe, Annuitant.	46,858	0 5	58,580	11 6
„ Ditto of Mrs. E. E. Woodcock, widow, two daughters and two sons of E. E. Woodcock, Annuitant	27,128	15 0	33,626	14 9
„ Ditto of Mrs. C. Temple, widow, one daughter and one son of C. Temple, Annuitant.	11,672	15 8	16,030	0 10
„ Interest thereon	7,971	1 3	4,910	0 8
„ Transfer to Appropriated Funds on account of pensions payable by Government.	29,791	14 11	26,419	4 3
„ Refund of overpaid subscriptions	714	2 6	844	5 8
„ Establishment, &c.	2,392	7 8	2,121	10 1
„ Printing charges	175	13 2	155	13 9
	2,75,297	8 8	3,26,497	6 8
Balance, 30th April 1864	2,91,234	14 4	12,93,289	6 3
<b>APPROPRIATED FUNDS.</b>				
By Balance, 1st May 1863				
„ Interest	31,00,082	12 9	14,93,764	2 7
„ Transfer from Unappropriated Funds values of pensions granted to the above seven families within the year.	3,47,844	11 7	83,895	3 1
„ Interest thereon	2,34,252	1 2	2,92,046	4 3
„ Transfer from Unappropriated Funds on account of pensions payable by Government.	7,971	1 3	4,910	0 8
	29,791	14 11	26,419	4 3
	37,28,942	9 8	19,01,034	14 10



Deduct—	Rs. A. P.	Rs. A. P.
To pensions paid in England under Old Rules ...	2,33,367 1 3	...
" Ditto ditto under New Rules ...	1,65,601 14 7	1,46,854 8 7
" Ditto India under ditto ...	14,411 13 11	12,780 6 10
" Marriage donation to an incumbent under Rule 30 in India ...	1,590 0 0	1,410 0 0
" Transfer to Unappropriated Funds of the deduction of one-sixth from pensions under Rule 7 ...	8,326 12 6	7,384 1 6
	4,23,297 10 3	1,68,429 0 11
Balance, 30th April 1864 ...	33,05,644 15 5	17,32,605 13 11
Total balance, 30th April 1864 ...	35,96,879 13 9	30,25,895 4 2

## INVESTMENT OF THE ABOVE BALANCE.

Invested in Treasury Notes at 8 per cent. ...	Rs. 93,34,296 6 11
Uninvested at 8 per cent. (since invested) ...	2,62,583 6 10
Invested in Co.'s Paper at 4, 5, and 5½ per cents. ...	*28,80,997 7 0
Uninvested at 4 per cent. ...	1,35,897 13 2
	66,22,775 1 11
Deduct amount of Deposit ...	52,363 10 2
	Rs. 65,70,411 7 9

\* This represents the price paid for the Securities, the nominal value of which amounts to Co.'s Rs. 30,23,700, and the present market value of which may be stated at Co.'s Rs. 29,62,156-8-0.

E. E.

A. M. MONTEATH,

Honorary Secretary and Accountant.

## COMPARISON OF THE BALANCE.

Balance, 30th April 1863,	
less the Deposit ...	Rs. 60,58,685 15 0
Balance, 30th April 1864,	
less the Deposit ...	65,70,411 7 9
Increase ...	Rs. 5,11,725 8 9

Proposed by Mr. T. Bruce Lane, and seconded by Mr. J. D. Maclean, and resolved that the admission of the families of Sir A. H. Lawrence, Messrs. R. J. Scott, E. E. Woodcock, W. H. Oakes, and the re-admission to full pension of Mrs. Nile, (formerly Mrs. Wyatt) be confirmed, and that the proceedings of the Managers in respect to the notification of 26th November be approved.

It was also resolved that the accounts be passed.

The following gentlemen were elected Managers for the ensuing year :—Messrs. V. H. Schalch, the Hon'ble W. S. Seton-Karr, the Hon'ble G. Campbell, J. A. Crawford, and T. Bruce Lane.

A vote of thanks was passed to the Chairman.

BENGAL CIVIL FUND OFFICE,  
The 25th January 1865.

F. R. COCKERELL,  
Chairman.

## BENGAL CIVIL SERVICE ANNUITY FUND.

*At an Annual General Meeting of Subscribers to the Civil Service Annuity Fund, held at the Town Hall, on Wednesday, the 25th January 1865.*

PRESENT:

E. H. LUSHINGTON, Esq.  
V. H. SCHALCH, Esq.  
THE HON'BLE R. N. CUST.  
THE HON'BLE G. CAMPBELL.  
H. D. SANDEMAN, Esq.

F. R. COCKERELL, Esq.  
T. B. LANE, Esq.  
A. COLVIN, Esq.  
J. D. MACLEAN, Esq.  
J. GEOGHEGAN, Esq.

MR. F. R. COCKERELL, in the Chair.

Read the following Report submitted by the Managers:—

The Managers received in July last from the Government of India copy of the subjoined Despatch from the Secretary of State, No. 105, dated 9th May 1864, relative to a question respecting the scale of Invalid Annuities.

The question was whether the amounts indicated by the Despatch of November 1862 for Invalid Pensions were fixed amounts or minimum amounts to be increased by the pensionary values of the subscriptions of the Invalid Retiring Members.

The decision now communicated by the Government, is that the Invalid Annuities sanctioned in the Despatch of November 1862, cannot be increased by the pensionary values of individual subscriptions.

Under a Notification which appeared in the *Gazette of India*, dated the 26th November last, the salaries of subscribers to the Annuity Fund in Lower Bengal were made payable from the 1st December last without the pre-audit of the Civil Pay Master: and the Government of India decided that, under the new arrangements, it would be inexpedient to throw upon Treasury Officers the duty of making the deductions, and that the drawers of the bills should themselves note the proper deductions which the Treasury Officer is to make, the drawer being required, when transferred from one district to another, to take with him to the new station a last pay certificate showing the proper deductions.

The measure being of an experimental kind, and for the present limited in its application to one Province of the Presidency, the Managers felt justified in giving effect to the arrangements approved by the Government, subject to the approval of the subscribers. The Managers propose to watch the result of the experiment so far as the due realization of the Fund subscriptions is concerned, and to report on the subject before any steps are taken for extending its application to other Provinces, or giving it a permanent character.

In the mean time, the Managers have not thought it necessary to propose any formal alteration of the rules with reference to the measure.

The accounts of the past year, 1863-64, are submitted.

*Abstract of the Accounts of the Bengal Civil Service Annuity Fund for 1863-64 (39 years).*

UNAPPROPRIATED FUNDS.		Rs.	A.	P.	Rs.	A.	P.
Balance on 30th April 1863	...	36,51,603	8	9	2,19,516	3	5
Fine, or difference of value of annuity, from four Annuitants	...	53,987	4	7	2,069	8	9
Subscriptions received during the year (including arrears)..	...	3,35,206	2	11	10,633	3	8
Donations from the Government for the year	...	15,50,874	9	11	.....		
		55,98,671	10	2	2,32,218	15	10
					55,98,671	10	2
					58,30,890	10	0
DEDUCT—							
Transfer to Appropriated Funds values of Annuities granted to Messrs. J. I. Harvey, T. Sandys, G. F. Harvey, C. T. Davidson, G. F. Edmonstone, E. E. Woodcock, A. Littledale, F. A. Lushington, F. B. Gubbins, A. R. Young, G. A. C. Plowden, G. Edmonstone, H. M. Reid, H. D. H. Fergusson, M. R. Gubbins, H. C. Halkett, O. W. Malet, W. Wynyard, Hon'ble H. B. Devereux, A. H. Cocks, Sir F. B. Outram, H. W. Hammond, C. Temple, T. E. Fairfax, H. Rose, and the difference of the values of the increased annuities under the Despatch of 25th November 1862, to Messrs. J. S. Dumergue, G. P. Leycester, H. G. Astell, C. G. Wynch, and Jas. Watson	...	23,29,645	1	2			
Interest thereon	...	1,37,085	14	3			
Law charges, case Boldero <i>versus</i> Managers	...	2,500	0	0			
Interest thereon	...	137	8	0			
Establishment and Printing charges, &c.	...	11,570	10	3	24,80,939	1	8
LESS—					33,49,951	8	4
Transfer to Appropriated Funds under the 13th Triennial Adjustment required by Rule 12	...	.....			7,49,951	8	4
Balance on 30th April 1864	...	.....			26,00,000	0	0

APPROPRIATED FUNDS.		Rs. A. P.	Rs. A. P.
Balance on 30th April 1863	...	1,74,42,294 10 2	10,46,537 10 10
Transfer from Unappropriated Funds values of the above-mentioned thirty annuities	...	28,29,645 1 2	1,87,085 14 8
Premium from the Hon'ble J. E. Elliot in 1848 for annuity being made payable up to date of his decease	...	2,727 7 5	4,070 8 2
Re-credit of transfer in excess of the amount of annuities of four deceased annuitants.	...	27,589 5 4	2,481 3 4
		1,98,02,250 8 1	11,90,175 4 7
			1,98,02,250 8 1
<b>Debit—</b>			2,09,02,425 12 8
Payments to 217 Annuitants of their quarterly annuities	...	21,46,209 3 9	
„ to 17 Annuitants of their annual annuities	...	1,94,191 11 9	
Interest charged upon the quarterly paid annuities	...	48,330 12 6	28,88,731 12 0
			1,86,03,694 0 8
<b>Add—</b>			
Amount of transfer from Unappropriated Funds under the valuation adjustment made under Rule 12	...	.....	7,49,951 8 4
Balance on 30th April 1864 Rs.	...	.....	1,93,53,645 9 0
Total Balance on 30th April 1864 Rs.	...	.....	2,19,53,645 9 0

## CIVIL SERVICE ANNUITY FUND, }

The 25th January 1864. }

Proposed by Mr. Sandeman, and seconded by Mr. Lushington, and resolved that the Proceedings of the Managers be approved, and the accounts of the Fund be passed.

Mr. V. H. Schaleh, the Hon'ble W. S. Seton-Karr, the Hon'ble G. Campbell, Messrs. T. Bruce Lane and J. Geoghegan were elected Managers for the ensuing year.

A vote of thanks was passed to the Chairman.

## BENGAL CIVIL SERVICE ANNUITY FUND, }

The 25th January 1865. }

E. E.  
A. M. MONTEATH,  
Secretary and Accountant.

P. R. COCKERELL,  
Chairman.

## FINANCIAL No. 105.

INDIA OFFICE, London, 9th May 1864.

TO HIS EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

SIR,—I have considered in Council your Financial Despatch,\* dated the 18th February last, in which

No. 30. you propose a scale of invalid annuities, "to be supplemented by such further annuity as the accumulated subscriptions of the retiring servant will suffice to purchase," in lieu of the fixed pensions laid down in my Financial Despatch, dated the 15th November 1862, No. 193, which are not to be increased by the value of subscriptions.

2. You are aware that the concessions sanctioned in my Financial Despatch, dated the 15th November 1862, No. 193, were made after a full consideration of memorials from the Civil Servants of the three Presidencies, in which they represented that the changes which had occurred in their position and prospects, since the Civil Service Annuity Funds were established, were of such a nature as to preclude their admission to the full benefits held out on the establishment of those Funds.

3. In order to meet, as far as practicable, the reasonable expectations of the Civil Service, the portion of the annuity granted by Government was increased from 500% to 600%, and the limit to the number of annuities to be annually granted was abolished.

4. In regard to invalid annuities, much inequality existed between the different Presidencies. At Madras, a Civil Servant could not obtain an invalid pension, even when unable to qualify for the full annuity, while in Bengal no such difficulty was experienced. To place the Civil Servants throughout India in a more equal position, Her Majesty's Government were induced to lay down a scale of invalid pensions which should be available to any Civil Servant when absolutely required.

5. In doing this, however, a serious liability was incurred by the Government, as it was a fundamental principle of the calculations on which the Annuity Funds were based, that the subscriptions of Civil Servants, who failed to qualify for an annuity, should lapse to the Fund. Her Majesty's Government, nevertheless, considered that a Civil Servant who had devoted that portion of his life in which was usually qualify for a pension to the service of the State, and who then by a failure of health was compelled to relinquish the Service, was entitled to some consideration from Government. But it was at the same time necessary so to guard any concession, that it should not form a temptation to a servant to retire before the prescribed period, unless he were entirely disqualified for further service by ill health.

6. After full consideration of the subject, the scale contained in my Financial Despatch of the 16th November 1862, No. 193, was determined on, and the arguments which are adduced in your Despatch have not led to any change in the opinion of Her Majesty's Government.

7. I am, therefore, unable to accede to the proposition which you have submitted.

I have, &c.,  
(Signed) C. WOOD.



## No. 2.

## COMMISSARIAT NOTICE.

Sealed tenders are invited for supply of Beef and Mutton to Troops at Fort William and Dum-Dum, on the March and in Camp, at various distances from the Presidency, for fourteen months, from 1st March next.

Form of tender to be had at No. 6, Park Street, where tenders will be received up to 2 p. m. of the 6th, and opened at noon on the 7th February.

Separate tenders required for each Station.

Earnest deposit to be in Government Promissory Notes, or Bank of Bengal Receipt.

## SCHEDULE.

Names of Articles.	Period for which contract is invited.	Aggregate quantity probably deliverable during the contract.	Where and to whom the articles are deliverable.	Instalments deliverable and specific time of delivery.	Amount of earnest money to be lodged with tender.	Security to be deposited on acceptance of tender by the Commissary General.	Quality of supply.
<i>Fort William.</i>	From 1st March 1865 to 30th April 1866.	lbs.	Ration grounds and Hospitals to Commanding and Medical Officers.	Half an hour before sunrise daily, according to daily Indents, &c.	Rupees.	Rupees.	Best grass fed.
Beef ... ..		4,28,500			3,000	10,000	
Mutton ... ..		71,500					
<i>Dum-Dum.</i>							
Beef ... ..		3,00,000			3,000	10,000	
Mutton ... ..		50,000					

FORT WILLIAM,  
EXE. COMMISSARIAT OFFICE;  
The 23rd January 1865.

G. S. MACBEAN, Major,  
Assistant Commissary General.



# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 11, 1865.

Home Department.

## LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th February 1865, and is hereby promulgated for general information:—

Act No. II of 1865.

*An Act to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere.*

Whereas it is expedient to provide for the better maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere; It is enacted as follows:—

1. In this Act the singular number includes the plural, and the plural number includes the singular.

2. The proprietor of any estate situated in any District to which the provisions of this Act may be extended, shall have authority to assess and collect, for the purposes of this Act, a sum not exceeding one rupee per annum from the occupant of every house upon such estate. It shall be competent to the Collector of the District acting under the orders of the local Government to determine what buildings shall be held to be a separate house for the purposes of this Act.

3. The sum so assessed shall be held to fall due, in advance for the coming Revenue year, with the first instalment of agricultural rents payable in the vicinity in that year, and may be realized under the law for the time being in force in such vicinity relating to the recovery of rent. Provided that no person shall be liable to be ousted from his house for non-payment of any assessment leviable under the last preceding Section. Complaints

against proprietors for unlawful collection of such assessments shall be treated as falling under Clause 3, Section 23, Act X of 1859.

4. Sections 12, 13, 14, and 15 of Regulation IX of 1833, shall be applicable to assessments under this Act.

5. Any person assessed under Section 2 of this Act may, by petition on unstamped paper, complain to the Collector of the District against such assessment, on the ground of inability to pay the same; and the Collector shall be competent to abate, or wholly to remit, the assessment, if he shall be of opinion that the circumstances of the complainant render such abatement or remission proper.

6. It shall be lawful for the Collector or for any Officer making settlements of Land Revenue, to assess upon any estate, as aforesaid, a sum to be contributed yearly by the proprietor for the purposes of this Act, not exceeding the aggregate of the house assessments in any such estate, less ten per cent. Such assessment shall be over and above any Municipal cess or percentage levied on the Land Revenue for similar purposes.

7. The sum so assessed shall, subject to the sanction of the local Government, be liable to be altered from time to time in conformity with the foregoing provisions.

8. The provisions of this Act shall be applicable to Maafec and Nuzerana Estates. Besides the assessments made by the Collector under Section 6 of this Act, it shall be lawful to levy upon the Maafec-dars, or (where a sub-settlement shall have been made) on the sub-proprietors, or on the Nuzeranadars, a Municipal cess not exceeding two rupees twelve annas per cent. of the jumma at which their estates would have been rated if not held under a Maafec or Nuzerana title.

**9.** The local Government may determine by what instalments and at what times, the assessments payable under Sections 6 and 8 shall be paid. Any arrear of such assessments may be realized by the same processes and under the same rules as arrears of Land Revenue.

**10.** Assessments realized under this Act shall be appropriated, under the orders of the local Government, to the payment of the Village Police or to any other purpose connected therewith. Any surplus that may remain shall be at the disposal of the local Government for sanitary purposes or any other purpose of general improvement within the District in which the amount is collected.

**11.** Every proprietor or other person in whom the right of nomination of Village Watchmen is vested, shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of Watchman on his Estate; and the person so nominated shall after due enquiry be appointed or rejected by the Magistrate of the District at his discretion, or by any Officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy or of the rejection of a nominee, the proprietor or other person in whom the right of nomination is vested shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding Rupees fifty, and in default of payment to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate of the District shall proceed to appoint a person to the vacancy.

**12.** Any Village Watchman appointed under this Act may be required to perform, within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V of 1861; and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer subject to the provisions of such Act and guilty of neglect or disobedience, as the case may be.

**13.** The Lieutenant-Governor of the North-Western Provinces may extend the provisions of this Act to any part of the Territories within his jurisdiction. Provided that this Act shall have no operation in any village to which Act No. XX of 1856, or any other special Municipal Law shall have been extended, so long as such Act or Law shall continue in force in such village.

**14.** Subject to the proviso contained in the last preceding Section, the Governor-General of India in Council may extend the provisions of this Act to any Province under the immediate administration of the Government of India. Subject to the like proviso, the Lieutenant-Governor of the Punjab may also extend the provisions of this Act to any part of the Territories under his government.

**15.** From the date of any such extension, so much of any Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with or repugnant to this Act, shall cease to have effect in such Territories.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 3rd February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

No. 28 of 1864.

*A Bill to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.*

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction

**Preamble.** in suits relating to the title or succession to land in the said Province, or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and, after that office became vacant, in the Chief Commissioner; and whereas since the introduction of the said Code of Civil Procedure doubts have arisen whether such suits are cognizable by the ordinary Civil Courts in the first instance, and by the Judicial Commissioner on appeal, or by the Revenue Courts in the first instance, and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; and whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act, It is enacted as follows:—

**1.** In the construction of this Act, except when the contrary appears by the context—

**Interpretation Clause.** Words in the singular number shall include the plural, words in the plural number shall include the singular, and words denoting the masculine gender shall include the feminine.

“Courts of Revenue” include Officers employed in making or revising Settlements.

**2.** In any District in the Province of Oude in which a Settlement of the land revenue is being made, all suits of whatever description arising in such District relating to the title or succession to land, or to the possession of land, or to any right in respect of any land shall, during the period of such Settlement and for such further period thereafter as the Governor-General of India in Council, by a notice to be published in the Official Gazette,



may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal or revision by the Financial Commissioner. The Governor-General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decisions of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner.

**3.** The Financial Commissioner shall, with respect to such suits, be deemed the highest Court of appeal in the Province of Oude, within the meaning of the said Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court, and shall be subject to all the rules prescribed with reference to the Sudder Court by the said Code, subject to the restrictions, limitations, and provisos with which the said Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 6th August 1861. Subject to the same restrictions, limitations, and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

**4.** No suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in Section 2, be instituted or tried in any Court, or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

**5.** No suit by an under-tenant, other than a Ryot or Cultivator, relating to any under-tenure, which shall be cognizable in any Revenue Court under this Act, shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844.

**6.** Any suit or appeal relating to any matter cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the Law of Limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within four months from the date of the passing of this Act. The petition may be written on the stamp required for petitions

presented to the Financial Commissioner or subordinate Revenue Court as the case may be.

**7.** All claims relating to the proprietary right in, succession to or possession of, any land or any right in respect to any land which may accrue after the expiration of the period appointed in Section 2, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

**8.** No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province, and before the passing of this Act, in or in respect of any suit relating to any proprietary right in, succession to or possession of, any land or any right in respect of any land in the said Province, shall be invalid by reason of any thing contained in the said Code of Civil Procedure.

#### STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced to remove doubts which have arisen as to the legality of the decisions of the Revenue Authorities and the Financial Commissioner of Oude in Judicial cases consequent on the extension to the Province of the Code of Civil Procedure.

Since 1858 the Chief Commissioner has been vested with the powers of Financial Commissioner. The Government of India, under the power reserved in the General Orders of the Governor-General, dated 6th October 1858, which, under the Indian Councils' Act, has the force of law, has lately reconstituted the office under a separate Officer.

The Law of Limitation for the hearing of certain claims to rights of property in land has been extended to twelve years prior to the date at which the Province came under British dominion. This limitation will not extend to claims to rights of occupancy by cultivating tenants.

R. N. CUST.

The 9th January 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

**9.** The local Government may determine by what instalments and at what times, the assessments payable under Sections 6 and 8 shall be paid. Any arrear of such assessments may be realized by the same processes and under the same rules as arrears of Land Revenue.

**10.** Assessments realized under this Act shall be appropriated, under the orders of the local Government, to the payment of the Village Police or to any other purpose connected therewith. Any surplus that may remain shall be at the disposal of the local Government for sanitary purposes or any other purpose of general improvement within the District in which the amount is collected.

**11.** Every proprietor or other person in whom the right of nomination of Village Watchmen is vested, shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of Watchman on his Estate; and the person so nominated shall after due enquiry be appointed or rejected by the Magistrate of the District at his discretion, or by any Officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy or of the rejection of a nominee, the proprietor or other person in whom the right of nomination is vested shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding Rupees fifty, and in default of payment to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate of the District shall proceed to appoint a person to the vacancy.

**12.** Any Village Watchman appointed under this Act may be required to perform, within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V of 1861; and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer subject to the provisions of such Act and guilty of neglect or disobedience, as the case may be.

**13.** The Lieutenant-Governor of the North-Western Provinces may extend the provisions of this Act to any part of the Territories within his jurisdiction. Provided that this Act shall have no operation in any village to which Act No. XX of 1856, or any other special Municipal Law shall have been extended, so long as such Act or Law shall continue in force in such village.

**14.** Subject to the proviso contained in the last preceding Section, the Governor-General of India in Council may extend the provisions of this Act to any Province under the immediate administration of the Government of India. Subject to the like proviso, the Lieutenant-Governor of the Punjab may also extend the provisions of this Act to any part of the Territories under his government.

**15.** From the date of any such extension, so much of any Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with or repugnant to this Act, shall cease to have effect in such Territories.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 3rd February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

No. 28 of 1864.

*A Bill to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.*

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction in suits relating to the title or succession to land in the said Province, or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and, after that office became vacant, in the Chief Commissioner; and whereas since the introduction of the said Code of Civil Procedure doubts have arisen whether such suits are cognizable by the ordinary Civil Courts in the first instance, and by the Judicial Commissioner on appeal, or by the Revenue Courts in the first instance, and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; and whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act; It is enacted as follows:—

**1.** In the construction of this Act, except when the contrary appears by the context—

Words in the singular number shall include the plural, words in the plural number shall include the singular, and words denoting the masculine gender shall include the feminine.

"Courts of Revenue" include Officers employed in making or revising Settlements.

**2.** In any District in the Province of Oude in which a Settlement of the land revenue is being made, all suits of whatever description arising in such District relating to the title or succession to land, or to the possession of land, or to any right in respect of any land shall, during the period of such Settlement and for such further period thereafter as the Governor-General of India in Council, by a notice to be published in the Official Gazette,

may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal or revision by the Financial Commissioner. The Governor-General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decisions of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner.

**3.** The Financial Commissioner shall, with respect to such suits, be deemed the highest Court of appeal in the Province of Oude, within the meaning of the said Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court, and shall be subject to all the rules prescribed with reference to the Sudder Court by the said Code, subject to the restrictions, limitations, and provisos with which the said Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 6th August 1861. Subject to the same restrictions, limitations, and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

**4.** No suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in Section 2, be instituted or tried in any Court, or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

**5.** No suit by an under-tenant, other than a Ryot or Cultivator, relating to any under-tenure, which shall be cognizable in any Revenue Court under this Act, shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844.

**6.** Any suit or appeal relating to any matter cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the Law of Limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within four months from the date of the passing of this Act. The petition may be written on the stamp required for petitions

presented to the Financial Commissioner or subordinate Revenue Court as the case may be.

**7.** All claims relating to the proprietary right in, succession to or possession of, any land or any right in respect to any land which may accrue after the expiration of the period appointed in Section 2, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

**8.** No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province, and before the passing of this Act, in or in respect of any suit relating to any proprietary right in, succession to or possession of, any land or any right in respect of any land in the said Province, shall be invalid by reason of any thing contained in the said Code of Civil Procedure.

#### STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced to remove doubts which have arisen as to the legality of the decisions of the Revenue Authorities and the Financial Commissioner of Oude in Judicial cases consequent on the extension to the Province of the Code of Civil Procedure.

Since 1858 the Chief Commissioner has been vested with the powers of Financial Commissioner. The Government of India, under the power reserved in the General Orders of the Governor-General, dated 6th October 1858, which, under the Indian Councils' Act, has the force of law, has lately reconstituted the office under a separate Officer.

The Law of Limitation for the hearing of certain claims to rights of property in land has been extended to twelve years prior to the date at which the Province came under British dominion. This limitation will not extend to claims to rights of occupancy by cultivating tenants.

R. N. CUST.

The 9th January 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)



The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 3rd February 1865, and was referred to a Select Committee with instructions to make their report thereon in one week :—

No. 2 of 1865.

*A Bill to continue Act No. XXXI of 1860.*

Whereas Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases), is limited to expire on the first day of October 1865; and whereas it is expedient to continue such Act for a limited period; It is enacted as follows :—

1. Act No. XXXI of 1860 shall continue in force until the first day of October 1866.

2. This Act may be cited as "The Arms Act Continuance Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

Act XXXI of 1860 ("An Act relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases") expires on the last day of October 1865.

The Government of India has directed an enquiry as to the operation of the Act and its incidence on particular classes. Pending such enquiry, the present Bill proposes to continue Act XXXI of 1860 for one year from the expiration thereof.

H. S. MAINE.

The 2nd February 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th January 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks :—

No. 29 of 1864.

*A Bill to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.*

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces; It is enacted as follows :—

1. This Act shall be called "The Central Provinces Courts' Act, 1865."

2. In this Act—

Interpretation clause.  
Assistant Commis-  
sioner. "Assistant Commissioner" shall include Extra Assistant Commissioner.

3. There shall be eight grades of Courts in the Central Provinces, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely :—

(1). The Court of the Tahsildar of the first class.

(2). The Court of the Tahsildar of the second class.

(3). The Court of the Assistant Commissioner of the first class.

(4). The Court of the Assistant Commissioner of the second class.

(5). The Court of the Assistant Commissioner of the third class.

(6). The Court of the Deputy Commissioner.

(7). The Court of the Commissioner.

(8). The Court of the Judicial Commissioner.

4. The Local Government may declare grade to which a Tahsildar or Assistant Commissioner belongs. The Local Government shall have power to declare to which of the said grades any Tahsildar and any Assistant Commissioner shall belong.

5. The Local Government may give Naib Tahsildars jurisdiction up to rupees fifty. The Local Government shall also have power to invest such Naib Tahsildars as it shall think competent, with jurisdiction in suits for money due, whether on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of fifty rupees.

6. The Court of the Tahsildar of the first class shall have power to try and determine suits of every description not exceeding one hundred rupees in value or amount.

7. The Court of the Tahsildar of the second class shall have power to try and determine suits of every description not exceeding three hundred rupees in value or amount.

8. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description not exceeding five hundred rupees in value or amount.

9. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description not exceeding one thousand rupees in value or amount.

10. The Court of the Assistant Commissioner of third class shall have power, to try and determine suits of every description not exceeding five thousand rupees in value or amount.

**11.** The Court of the Deputy Commissioner shall have power to try and determine suits of every description exceeding five thousand rupees in value or amount, and to hear appeals from the decisions, and (where an appeal is allowed by the Code of Civil Procedure), from the orders of the Courts of the first, second, third and fourth grades respectively

**12.** The Court of the Commissioner shall have power to hear and determine appeals from the original decisions passed in suits and, where an appeal is allowed by the Code of Civil Procedure or by this Act, from the orders passed by the Courts of the fifth and sixth grades.

**13.** The Court of the Chief Commissioner shall have power to hear and determine applications for a special appeal as provided in the Code of Civil Procedure from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioners of Divisions.

**14.** Every suit shall be instituted in the Court of the lowest grade competent to try it. Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

**15.** It shall be lawful for the Deputy Commissioner to withdraw any suit instituted in any Court subordinate to him, and to try such suit himself or to refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same.

**16.** It shall be lawful for the Chief Commissioner or for the Commissioner of a Division to order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such Chief Commissioner or Commissioner shall be transferred to any other such subordinate Court competent, in respect of the value of the subject-matter of the suit or appeal, to try the same.

**17.** If the suit be for immoveable property situate within the limits of different Districts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate

**18.** If the Districts within the limits of which the immoveable property is situate are subject to different Commissioners, the application shall be submitted to the Commissioner to which the District in which the suit is brought is subject, and the Commissioner to which such application is made may, with the concurrence of the Commissioner to which the other District is subject, give authority to proceed with the suit.

**19.** Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

**20.** The local jurisdiction of a Deputy Commissioner shall be deemed a District for the purposes of this Act, and the Court of such Deputy Commissioner shall be deemed the District Court within the meaning of the Code of Civil Procedure.

**21.** This Act shall commence and come into operation on the day of 186 .

#### STATEMENT OF OBJECTS AND REASONS.

The jurisdiction now exercised by the Civil Courts in the Central Provinces is derived, not from any express provision of law, but from orders passed from time to time by the Executive Government. These orders, bearing a date prior to the passing of the Indian Councils' Act, 1861, their validity, and the proceedings of the Courts established by them, cannot be called in question; but it is felt that the constitution of the Civil Courts in the Central Provinces is not so satisfactory as could be desired; and the Chief Commissioner having requested that the Government of India will be pleased to confer Civil jurisdiction in suits of a small amount upon a class of Officers who have not hitherto exercised any of the functions of a Civil Judge, which cannot be done without a law, it seems desirable that, instead of confining the scope of any Bill introduced to this single object, the opportunity should be taken to place the Civil Courts generally of the Central Provinces on a legal basis similar to that upon which the Courts in British Burmah were placed by Act I of 1863, and to give them a similar legal status. This is the object of the Bill, which follows the form of the British Burmah Act in so far as it defines the jurisdiction of the Courts to which it refers.

H. B. HARRINGTON.

The 5th January 1865.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th January 1865, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

No. 30 of 1864.

*A Bill to define and amend the law relating to Marriage and Divorce among the Parsees.*

Whereas it is expedient to define and amend the law relating to Marriage and Divorce among Parsees; It is enacted as follows :—

1. This Act may be cited as "The Parsee Marriage and Divorce Act, 1865."

2. In this Act, unless there be something repugnant in the subject or context—

"Parsee" means or applies to a person professing the religion of Zoroaster, and domiciled in British India.

"Priest" includes Dastúr and Mobed.

"Marriage" shall mean a marriage between Parsees contracted after the commencement of this Act.

"Section" means a Section of this Act.

"High Court" means the highest Civil Court of appeal in any part of British India.

"Local Government" means the person authorized to administer Executive Government in any part of British India or the Chief Executive Officer of any part of British India under the immediate administration of the Governor General of India in Council when such Officer shall be authorized to exercise the powers vested by this Act in a Local Government.

Words in the singular number include the plural, and words in the plural number include the singular.

Words importing the masculine gender include females.

3. No marriage shall be valid, if the parties contracting the same are related to each other in any of the degrees of consanguinity or affinity prohibited by common custom among Parsees, and unless such marriage shall be solemnized according to the Parsee form or ceremony called "A'sirvád" by a Parsee Priest in the presence of two or more Parsee witnesses independently of such officiating Priest; and unless, in the case of any Parsee under the age of twenty-one years, the consent of his father or guardian shall have been previously given to such marriage.

4. Every marriage shall, within eight days after the solemnization thereof, be registered in the form contained in the Schedule to this Act, in a book to be kept by a Registrar, who shall be some proper person appointed for that purpose by the Parsee Pancháyat of the Zillah or District in which the marriage shall have taken place; and every entry of a marriage in the said book shall, within the space of eight days from the date

of such marriage, be signed by the persons following (that is to say), the said Registrar, the contracting parties, the fathers or guardians of such (not being of full age), the Priest solemnizing the marriage, and the witnesses present at the same; and it shall be incumbent upon the contracting parties respectively, if they shall have attained the age of twenty-one years, and upon the father or guardian of such contracting party (if any) as shall not be then of full age, to give notice to the Registrar of the marriage having been so contracted, and to cause the marriage to be duly registered in his said book upon payment to him of the fee of two rupees, to the payment of which fee both the said contracting parties shall, in equal proportions, be liable.

5. Every Parsee, having attained the age of twenty-one years at the time of his or her marriage, shall, immediately upon the said entry thereof being so made in the said register, make and subscribe in the presence of the Registrar, the following declaration below the entry of the marriage in the said register :—

"I hereby solemnly declare that the above registry is correct, and that my marriage with did take place as therein mentioned, and was duly solemnized with my consent."

A. B.

Made and subscribed at this day of before me.

E. F.  
Registrar.

But no husband or wife not having attained the said age at the time of such marriage shall make or subscribe such declaration.

6. The father or guardian of every Parsee who shall not, at the time of his or her marriage, have attained the age of twenty-one years, shall make and subscribe in the presence of the Registrar the following declaration below the entry of the marriage in the said register :—

"I do hereby solemnly declare that the above registry is correct so far as regard the particulars therein relating to the said and me, this declarant, and that the marriage therein mentioned was duly solemnized with my consent."

A. B.

Father or guardian of C. D.

Made and subscribed at this day of before me.

E. F.,  
Registrar.

7. Every register of marriages shall, at all reasonable times, be open for public inspection, and certified extracts therefrom shall, on application, be given by the respective Registrars, on payment to them by the applicants of two rupees for each such extract; and every such register shall, without further proof, be received in all Courts to which this Act extends as evidence of the truth of the statements



therein contained, unless and until the same shall be proved to be false.

**8.** Every person required by this Act to make and subscribe any or either of the foregoing declarations, and wilfully omitting or neglecting so to do, shall, on conviction thereof before any Magistrate or other Court having jurisdiction in the place where he may reside, be punished for every such offence with a fine not exceeding one hundred rupees; and every Priest knowingly and wilfully solemnizing any marriage contrary to and in violation of the ninth Section of this Act, shall, on conviction thereof before any such Magistrate or Court, be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

**9.** It shall not be lawful for any Parsee to contract any marriage in the life-time of his or her wife or husband, except after his or her lawful divorce from such wife or husband, by sentence of a Panchayat as is hereinafter provided; and every marriage which may be hereafter contracted contrary to the provisions of this Section shall be deemed void. Every Parsee who shall, during the life-time of his or her wife or husband, contract any marriage without such lawful divorce from such wife or husband, shall be subject to the penalties provided in the Indian Penal Code for the offence of marrying again during the life-time of a husband or wife.

**10.** If a Parsee husband or wife shall at any time after marriage be transported or deported for the term of his or her natural life by the sentence of any competent legal tribunal, such marriage shall after the space of one year next following the passing of such sentence, be voidable at the election of his or her wife or husband, such election being first duly notified by the said wife or husband to the Panchayat of her or his place of residence.

**11.** If a Parsee shall have been or be a lunatic or of habitually unsound mind at the time of his or her marriage, such marriage shall be at any time voidable by the Panchayat of his or her last place of residence at the instance of his or her wife or husband, upon proof, to the satisfaction of the same Panchayat, that the lunacy or habitual unsoundness of mind existed at the time of the marriage and still continues.

**12.** If a Parsee husband or wife shall have been continually absent from his or her wife or husband for the space of seven years, and shall not have been heard of within that time by such his or her wife or husband as being alive, their marriage shall be voidable by the Panchayat of his or her last known domicile at the instance of the said wife or husband of such absent husband or wife, upon proof of the aforesaid facts being made to the satisfaction of the same Panchayat.

**13.** In any case where the husband shall be unable to consummate the marriage by reason of impotency of a permanent and incurable description, or where consummation of the

marriage has not taken place in consequence of the wife's malformation, such marriage shall be voidable by the Panchayat of his or her last known domicile at the instance of the other party to such marriage, upon proof of the aforesaid facts being made to the satisfaction of the same Panchayat: Provided that the husband shall not set up his own impotency as a ground for nullifying his marriage.

**14.** A marriage in case either of the parties thereto shall have changed his or her religion shall be voidable by the Panchayat of his or her last known domicile, at the instance of the other party to such marriage, upon proof of such fact being made to the satisfaction of the same Panchayat.

**15.** It shall be lawful for any Parsee husband to present a petition to the Panchayat of the proper domicile that his marriage may be dissolved, and a divorce granted, on the ground that his wife has, since the celebration thereof, been guilty of adultery; and it shall be lawful for any Parsee wife to present a petition to the Panchayat of the proper domicile, praying that her marriage may be dissolved, and a divorce granted, on the ground that, since the celebration thereof, her husband has been guilty of adultery or fornication with any married or unmarried woman, not being a prostitute, or of bigamy coupled with adultery, or of rape, or of an unnatural offence.

**16.** If a Parsee husband treat his Parsee wife with such cruelty or personal violence as to render it in the judgment of the Panchayat or other lawful tribunal improper to compel her to live with him, or if his conduct afford her reasonable grounds for apprehending danger to life or serious personal injury, or if a prostitute be openly brought into or allowed to remain in the place of abode of a wife by her own husband, she shall be entitled to demand a judicial separation *a mensâ et thoro*, and her husband shall, in such a case, provide her with separate maintenance, so long as she continues of chaste conduct, according to his means and rank in life; but no divorce shall be granted for cruelty, except in the case specified in the fifteenth Section.

**17.** Applications for divorce or for judicial separation on any one of the grounds aforesaid may be made by either husband or wife by petition to the Panchayat of the town or district in which the respondent resides or last resided, which Panchayat is hereby authorized and required to hear and determine such petition; and on the said Panchayat's being satisfied of the truth of the allegations contained in such petition, and that the offence therein set forth has not been condoned, and that the said husband and wife are not colluding together to obtain a divorce, and that the petitioner has not connived at, or been party to, the said offence, and that there has been no unnecessary or improper delay in presenting the said petition, and that there is no legal ground why the same should not be granted, then and in such case, but not otherwise, the said Panchayat shall and may decree such divorce or judicial separation accord-

ingly; and where any such application is made by

Alimony may be ordered.

the wife, may order the husband or secure to the wife out of his property such gross or capital sum, or such monthly or periodical payments of money for any term not exceeding her life as, having regard to her own property (if any), her husband's said property, and the conduct of the parties, shall be deemed just, or make any other order in that behalf for alimony, which, regard being had to the circumstances aforesaid, shall be deemed just. And in case any such order shall not be obeyed by her husband, he shall be liable to action upon the same at her suit, and further to be sued by any persons supplying her with necessaries, during the time of such disobedience, for the price or value of such necessaries.

**18.** Where a husband has deserted or (without lawful cause) ceased to cohabit with his wife, or shall hereafter so desert or (without lawful cause) so cease to cohabit, or where a wife hath deserted or (without lawful cause) ceased to cohabit with her husband, or shall hereafter so desert or (without lawful cause) so cease to cohabit, and the party so deserted or with whom cohabitation hath or shall have so ceased, shall apply to the Panchayat of the District or place within which the other party may reside, by petition for the restitution of his or her conjugal rights, the said Panchayat shall thereupon proceed duly to cite the party respondent to such petition, and duly to take evidence in that behalf and inquire into the allegations of such petition, and shall, upon being duly satisfied of the truth of the said allegations, and that there is no just ground why the said petition should not be granted, proceed to decree such restitution of conjugal rights accordingly. In case such decree shall not be obeyed by the party against whom it is given, he or she shall be deemed a wrong-doer, and liable in damages thereupon in an action on the case at the suit of the other party.

**19.** The Panchayat of any Town or District nominated and appointed in manner hereinafter mentioned shall have power and authority to hear, determine and adjudicate all cases and questions arising under this Act between Parsee inhabitants of such Town or District.

**20.** The said Panchayat shall have power to summon and examine both parties and their witnesses on oath or affirmation; and the decisions of such Panchayats, if not reversed or altered on the appeal given by the twentythird Section shall be final, and shall be upheld by all legal tribunals; provided nevertheless that it shall always (after any final decree for a divorce, either by the Panchayat or upon appeal, or after the expiration of the time hereinafter limited for an appeal, without an appeal, against any such decree for a divorce, having been presented) be lawful for the parties thereby divorced to intermarry together again; and every witness duly summoned, who shall intentionally omit to attend at the time and place specified in such summons, or depart from such place before the time at which it is lawful for him to depart, or who shall intentionally omit to produce or deliver up any document which he may be legally required to produce or deliver up, or who shall refuse

to answer any question which he may be legally required to answer, shall, on proof of the facts before any Magistrate or Court having jurisdiction with respect to the offence, be liable to the punishment provided in Sections 174, 175 and 179 respectively of the Indian Penal Code, and all persons wilfully deposing or affirming falsely in any proceeding before the Panchayat, shall be deemed to be guilty of the offence of giving false evidence, and shall be liable, on conviction before a competent tribunal, to all the pains and penalties attached thereto.

**21.** The examination of parties and of witnesses in any cause or proceeding under this Act shall be taken orally and openly in and by the Panchayat in the presence and hearing and under the personal direction and superintendence of the said Panchayat; and the evidence of each witness shall be taken down in writing, and the proceedings of the said Panchayat shall be conducted and recorded in the vernacular language by the President, Secretary, or other Officer appointed for that purpose by the said Panchayat. And every such examination shall be taken and recorded in the form of a narrative, and when completed shall be read over in the presence of the said Panchayat and of the witness, and also in the presence of the party or parties, or their representatives, and certified by the President of the said Panchayat or any member thereof acting as President thereof for the time being. The Panchayat shall record such remarks as it may think material respecting the demeanour of the witness while under examination.

**22.** When the evidence of a witness is required who is not living in the Town or place where the said Panchayat is held, or who is unable from sickness or infirmity or other cause to attend before the said Panchayat, the said Panchayat may authorize the Panchayat of the place where the witness may be residing, or any one or more person or persons thereat resident, or may depute thither one or more of its own members or Officers to take down the examination of such witness on interrogatories or otherwise; and every such examination shall be taken down in writing, and shall be read over to and shall be duly certified by the persons so authorized to take the same; and shall form part of the record of the cause or proceeding in which it is taken. In every such case either party shall be entitled to be present in person or by representative at such examination.

**23.** An appeal shall lie from the decision of the Panchayat to the High Court on the ground of the decision being contrary to some law, or usage having the force of law, or of a substantial error or defect in the investigation of the case which may have produced error or defect in the decision of the case upon the merits, or of any grave misconduct of the Panchayat in relation to any of the matters aforesaid; provided that such appeal be instituted within three months after the decision of the Panchayat shall have been pronounced.

**24.** On an appeal being made to the High Court in conformity with the provisions contained in the twentythird Section, the Panchayat from whose decision

On appeal, record and papers to be sent to High Court.

such appeal is preferred shall, upon receiving due intimation thereof, send to the said High Court, with all practicable despatch, the record of the case, together with all material papers in the cause or proceeding, or such papers as may be specially called for by the High Court in that behalf.

**25.** Nothing herein contained shall apply to any marriage or ceremony of marriage performed before the passing of this Act, or in any wise affect the same, whether by giving validity thereto, or by invalidating the same. And the validity or invalidity thereof respectively shall be, and continue to be, the same as it was at the time of the passing of this Act.

**26.** Every application made to a Panchayat under this Act shall be in writing and shall be subscribed by the applicant or his or her representative (if any). It shall also be verified at the foot by the applicant in the manner following or to the like effect:—

“I (A B), the applicant named in the above application, do declare that what is stated therein is true, to the best of my information and belief.”

**27.** If any such application shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the provision of the law for the time being in force for the punishment of giving or fabrication of false evidence.

**28.** The Panchayat for adjudicating cases arising under this Act shall, for the Town and Island of Bombay, consist of twelve members, of whom one shall be President, and for other Towns or Districts of such number of members, not exceeding twelve and of whom one shall be President, as the Local Government may see fit to fix; and shall be elected, constituted, and appointed according to such Rules and Regulations, in regard to the qualifications of electors and members and other matters as may be hereafter sanctioned and approved of by the Governor in Council of the Presidency or place: Provided that in the Town and District of Surat the Office of President of the Panchayat shall be hereditary in the family of Khurshedji Dodabhái deceased, Dawur of the Parsees of Surat, and shall be held by the person who shall for the time being be the senior representative, according to the Parsee law of inheritance, of the said Khurshedji Dodabhái.

**29.** Any Panchayat duly constituted and appointed as aforesaid shall have power to alter, vary, or amend such rules from time to time, subject to the confirmation of the Local Government, who shall determine and may alter the territorial jurisdiction of each Panchayat, the limits of the jurisdiction so determined or altered being promulgated in the *Official Gazette*.

**30.** This Act shall commence and take effect on the first day of July 1865, and shall extend to all the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., cap. 106.

## THE SCHEDULE ABOVE REFERRED TO.

Date and Place of Marriage.	Names of the Husband and Wife.	Condition at the time of Marriage.	Rank or Profession.	Age.	Residence.	Names of the Fathers or Guardians.	Rank or Profession.	Signature of the Officiating Priest.	Signature of the Witnesses.

## STATEMENT OF OBJECTS AND REASONS.

The object of the present measure is to enforce among the Parsee community the duties and obligations arising out of the marriage union. By a decision of her Majesty's Privy Council in 1856, it was ruled that the Supreme Court of Bombay on its ecclesiastical side, had no jurisdiction to entertain suits instituted by a Parsee wife for restitution of conjugal rights or for maintenance. It has been represented by a large number of Parsees, who from character and social position are regarded as leaders by their co-religionists, that bigamy has been introduced into their community, because, since the decision of the Privy Council, there has been no tribunal to vindicate the obligations of marriage, and none with authority to dissolve marriages on adequate cause being shown. Urgent petitions have therefore been addressed to the Government of India and to Her Majesty's Secretary of State for India, praying that, with respect to this most important relation of life, the Parsees may receive the sanction and protection of a legislative enactment.

The present measure renders bigamy by Parsees an offence, and subjects it to the penalties prescribed in the Penal Code. On the other hand it declares the grounds on which divorces may be granted. It gives jurisdiction for the vindication of obligations and duties arising out of marriages and for the dissolution of marriages, to the ancient institution of the Parsee Panchayat. Appeal from the decision of the Panchayats is allowed within a stated time to the High Courts of the respective Presidencies.

The measure has in substance been prepared by representatives of the Parsee community.

H. L. ANDERSON.

The 16th January 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt of India,  
Home Department (Legislative).



## HOME DEPARTMENT.

No. 1070 A.

*Port William, the 3rd February 1865.*

The following Notification relative to an Examination of candidates for the Covenanted "Civil Service of India" to be held in June of this year, is published for general information:—

## EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

## REGULATIONS

*For the Open Competition of 1865.\**

1. In June 1865 an Examination of candidates will be held in London. Not less than candidates will be selected, if so many shall be found duly qualified. Of these, will be selected for the Presidency of Bengal, [ for the Upper Provinces, and for the Lower Provinces,] for that of Madras, and for that of Bombay.†—Notice will hereafter be given of the days and place of examination.

2. Any natural-born subject of Her Majesty, who shall be desirous of entering the Civil Service of India, will be entitled to be examined at such Examination, provided he shall, on or before the 1st May 1865, have transmitted to the Civil Service Commissioners, Dean's Yard, London, S. W.—

(a) A certificate of his birth, showing that his age on the 1st May 1865 will be above seventeen years and under twenty-two years.‡

(b) A certificate, signed by a physician or surgeon, of his having no disease, constitutional affection, or bodily infirmity, unfitting him for the Civil Service of India;

(c) Satisfactory proof of good moral character;

(d) A statement of those of the branches of knowledge hereinafter enumerated in which he desires to be examined.§

3. In any case in which a doubt may arise as to the eligibility of a candidate in respect of age, health, or character, such inquiries as may be necessary will be instituted by the Civil Service Commissioners.

4. The Examination will take place only in the following branches of knowledge|| :—

English Language and Literature—	Marks
Composition ...	500
English Literature and History, including that of the Laws and Constitution ...	1,000
	1,500
Carried over ...	1,500

\* The Regulations are liable to be altered in future years.

† The number of appointments to be made, and the number in each Presidency, &c., will be announced hereafter.

‡ In future competitions it is intended that the maximum limit of age shall be 21.

§ Candidates are at liberty to send in their names and evidence of age as soon as they think fit to do so; but evidence of health and character must bear date not earlier than the 1st April 1865.

|| It should be understood that candidates are at liberty to name at their pleasure any or all of these branches of knowledge (subject only to the restriction above mentioned as to Natural Science), and that no subjects are obligatory.

Brought forward ...	1,500
Language, Literature, and History of Greece ...	750
Ditto ditto of Rome ...	750
Ditto ditto of France ...	375
Ditto ditto of Germany ...	375
Ditto ditto of Italy ...	375
Mathematics, Pure and Mixed ...	1,250
Natural Science; that is, (1.) Chemistry, (2.) Electricity and Magnetism, (3.) Natural History, (4.) Geology, and (5.) Mineralogy ...	500
* No candidate will be allowed to be examined in more than three of the branches of knowledge included under this head, and the total (500 marks) may be obtained by adequate proficiency in any three.	
Moral Sciences; that is, Logic, Mental and Moral Philosophy ...	500
Sanskrit Language and Literature ...	375
Arabic Language and Literature ...	375
	7,125

5. The merit of the persons examined will be estimated by marks, and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. No candidate will be allowed any marks in respect of any subject of Examination unless he shall be considered to possess a competent knowledge of that subject.\*

7. The Examination will be conducted by means of printed questions and written answers, and by *visà voce* Examination, as may be deemed necessary.

8. The marks obtained by each candidate, in respect of each of the subjects in which he shall have been examined, will be added up, and the names of the candidates who shall have obtained a greater aggregate number of marks than any of the remaining candidates will be set forth in order of merit, and such candidates shall be deemed to be selected candidates for the Civil Service of India. They shall be permitted to choose, according to the order in which they stand, as long as a choice remains, the Presidency (and in Bengal, the division of the Presidency) to which they shall be appointed.

9. Selected candidates before proceeding to India will be on probation for two years, during which time they will be examined periodically with the view of testing their progress in the following subjects† :—

	Marks
1. Oriental Languages—	
Sanskrit ...	500
Vernacular Languages of India (each) ...	400
2. The History and Geography of India ...	850
3. Law ...	1,250
4. Political Economy ...	850

In these Examinations, as in the open competition, the merit of the candidates examined will be estimated by marks, and the number set opposite to

\* "Nothing can be further from our wish than to hold out premiums for knowledge of wide surface and of small depth. We are of opinion that a candidate ought to be allowed no credit at all for taking up a subject in which he is a mere smatterer."—Report of Committee of 1864.

† Full instructions as to the course of study to be pursued will be issued to the successful candidates as soon as possible after the result of the open competition is declared.

each subject denotes the greatest number of marks that can be obtained in respect of it at any one Examination. The Examination will be conducted by means of printed questions and written answers, and by *viva voce* Examination, as may be deemed necessary. The marks obtained at each of such periodical Examinations will be added to those previously or subsequently obtained. The last of these Examinations will be held at the close of the second year of probation, and will be called the "Final Examination," at which it will be decided whether a selected candidate is qualified for the Civil Service of India.

10. No candidate will be permitted to proceed to India until he shall have passed the Final Examination, and received a certificate of qualification from the Civil Service Commissioners, or after he shall have attained the age of twenty-four years and six months.\*

11. The selected candidates who at the Final Examination shall be found to have a competent knowledge of the subjects specified in Regulation 9, shall be adjudged to have passed, and to be entitled to be appointed to the Civil Service of India.

12. The seniority in the Civil Service of India of the selected candidates shall be determined according to the order in which they stand on the list resulting from the Final Examination.

13. No person will, even after passing the Final Examination, be allowed to proceed to India unless he shall comply with the regulations in force, at the time, for the Civil Service of India, and shall be of sound bodily health and good moral character.—The Civil Service Commissioners will require such further evidence on these points as they may deem necessary before granting their Certificate of Qualification.

14. Applications from persons desirous to be admitted as candidates are to be addressed to the Secretary to the Civil Service Commissioners, Dean's Yard, London, S.W.

**NOTE.**—(1.) *The Secretary of State for India in Council has authorized the Civil Service Commissioners to state that it is his intention to allow the sum of 100l. for the first year of probation, and 200l. for the second year to each selected candidate who shall have passed the required Examinations to the satisfaction of the Commissioners, and shall have complied with such rules as may be laid down for the guidance of selected candidates.*

(2.) *All selected candidates will be required, at the commencement of the 2nd year of probation, to attend at the India Office, to make the necessary arrangements for entering into covenants (binding themselves, amongst other things, to refund in certain cases the amount of their allowance in case of their failing to proceed to India), and for giving a bond for 1,000l., jointly with two sureties, for the due fulfilment of the sums. The stamps payable by Civilians on their appointment amount to 3l. 10s.*

(3.) *Candidates rejected at the Final Examination of 1867 will in no case be allowed to present themselves for re-examination.*

No. 1202 A.

#### NOTIFICATIONS.

Fort William, the 4th February 1865.

Mr. James C. Robertson, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

\* In future years it is intended that the limit shall be 24.

No. 1205.

The 7th February 1865.

The under-mentioned Covenanted and Uncovenanted Civil Servants having produced the necessary medical certificates, have been granted by the Right Hon'ble the Secretary of State for India extensions of leave for the periods specified, viz. :—

#### Covenanted.

Mr. C. B. Thornhill	... 2 Months.
" G. B. Willock	... 6 "
" W. C. Eades	... 6 "
" W. B. Jones	... 3 "
" R. Wall	... 6 "
" J. Sladen	... 6 "

#### Uncovenanted.

Mr. M. Wylie	... 3 Months.
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No. 1205 A.

The 8th February 1865.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Lord H. Ulick Browne, of the Civil Service, who reported his return from furlough on this date.

No. 1264.

Mr. Charles Currie, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 1265.

The Governor General in Council is pleased to permit Mr. F. A. E. Dalrymple to resign the Civil Service from the 9th instant.

No. 1266.

The under-mentioned Officer in the Central Provinces is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861 :—

Lieutenant R. M. B. Thomas, Assistant Commissioner, Jubbulpore District.

No. 1267.

The services of Dr. L. F. Dickson, in Medical charge of Chanda, are placed at the disposal of the Foreign Department.

No. 1268.

Mr. N. A. Garstin, Assistant District Superintendent of Police, officiated as District Superintendent of Seetapoor from the forenoon of the 30th November to the afternoon of the 7th December 1864, and at Gonda from the afternoon of the 9th December to the forenoon of the 16th January 1865.

No. 1269.

The under-mentioned Officer in the Central Provinces is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV of 1861 :—

Ajoodhea Pershad, Tehseeldar of Droog, in the Raepore District.

## No. 1270.

*Erratum.*—In Notification No. 5767, dated the 25th of November last, for "*Assistant District Superintendent of Police in the Central Provinces,*"

read—

"*Officiating Assistant District Superintendent of Police in the Central Provinces.*"

## No. 1271.

*The 9th February 1865.*

His Excellency the Governor General in Council is pleased to invest the under-mentioned Tehseeldars in the Central Provinces with the powers of a Subordinate Magistrate of the 1st and 2nd Class, described in Chapter II, Section 22 of Act XXV of 1861:—

Nara Bheekajee	...	1st Class.
Govind Rao Gunesh	...	2nd Class.
Madho Rao	...	2nd Class.

## No. 1272.

*The 10th February 1865.*

Mr. Prince, Senior Inspector of the Lucknow City Police, is appointed to officiate as Assistant District Superintendent of Police, during the absence on leave of Lieutenant C. S. Noble, or until further orders.

## No. 1273.

Three months' privilege leave of absence is granted to Mr. F. Macnaghten, Judge of the Small Cause Court at Jubbulpore, from the 1st March 1865, or from such subsequent date as he may avail himself of the same.

## No. 1274.

Mr. B. C. Bailey, Superintendent of Telegraphs, in Charge of the East Coast Circle, to officiate as Director of the Western Division.

## No. 1275.

*The 10th February 1865.*

The Revd. J. Dawson, Assistant Chaplain of the Church of Scotland, on the Bengal Establishment, reported his departure from India per Steamer "*Erymanthe*" on the 3rd instant.

## No. 1276.

Lieutenant J. W. W. Costley, 23rd Regiment Royal Welsh Fusiliers, appointed to officiate as Assistant Superintendent of Police in Notification No. 5777, dated 25th November 1864, reported his arrival at Rangoon on the afternoon of the 21st January 1865.

E. C. BAYLEY,  
Secy. to the Govt. of India.

## FOREIGN DEPARTMENT.

## JUDICIAL.

## No. 41.

*Fort William, the 7th February 1865.*

Notification No. 275, dated 17th November 1864, investing Lieutenant H. C. A. Szezepanski, Assistant Commissioner, Hyderabad, with the powers of a Magistrate under Section 1 of Act XV of 1862, is hereby cancelled.

Lieutenant Szezepanski is invested with the powers of a Magistrate as defined in Section 22, Act XXV, 1861.

## MILITARY.

## No. 64.

Lieutenant M. J. J. Mignon, Adjutant, 2nd Regiment Central India Horse, has obtained privilege leave of absence for two months, from the 10th instant.

## GENERAL.

## No. 291.

Captain A. B. Cumberlege, Deputy Commissioner of Sumbulpore, in the Central Provinces, has obtained privilege leave of absence for three months, from the date on which he may avail himself of it.

## No. 293.

Mr. D. Simson, Commissioner of the Fyzabad Division, in Oudh, has obtained leave of absence for twenty-nine days, from the date on which he may avail himself of it, to proceed to Calcutta, preparatory to applying for furlough to Europe.

## No. 295.

With reference to G. O. No. 1552, dated 13th December 1864, Captain W. H. Beynon resumed charge of the Jypore Political Agency on the 18th January 1865.

## No. 313.

*The 9th February 1865.*

Mr. G. W. Cline, Extra Assistant Commissioner in the Central Provinces, has obtained one year's leave to England on medical certificate, from the 9th June 1864.

## No. 315.

Major R. Ranken, Assistant General Superintendent of operations for the suppression of Thuggee and Dacoitee at Jubbulpore, returned to his duty on the afternoon of the 16th ultimo, from the leave granted him in G. O. No. 236, dated 30th January 1865.

## No. 332.

*The 10th February 1865.*

Lieutenant G. E. Fryer, Assistant Secretary to the Chief Commissioner of British Burmah, assumed charge of his Office on the 21st January 1865.

## No. 333.

Colonel G. Ramsay made over charge of the Nipal Residency to Captain C. C. Taylor, Assistant Resident, on the forenoon of the 1st instant.



No. 334.

Captain W. Munro, Supernumerary Assistant Commissioner, 3rd Grade, in British Burmah, and Lieutenant H. A. Gower, of the Royal Madras Artillery, have passed the prescribed examination in the Burmese language for Civil employ in British Burmah.

No. 335.

Colonel Reynell G. Taylor, c. n., has obtained one month's leave from the 28th January last, to enable him to join his appointment in the Punjab Commission.

No. 337.

Mr. R. S. H. Haldane, Extra Assistant Commissioner in Oudh, has obtained privilege leave of absence for three months, from the date on which he may avail himself of it.

No. 339.

Assistant Surgeon W. J. Moore received charge of the Office of Superintendent of Raj Dispensaries, from Assistant Surgeon T. M. Lownds, on the afternoon of the 14th January 1865.

A. COLVIN,

*Offg. Under Secy. to the Govt. of India.*

## FINANCIAL DEPARTMENT.

No. 735.

*Fort William, the 10th February 1865.*

## NOTIFICATIONS.

*From the Right Hon'ble the Secy. of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—No. 305, dated 24th December 1864.*

I have to acquaint you that the rate of Exchange for Bills to be drawn in repayment of advances to be made by the several Governments in India, for the service of the Royal Navy, and for the Public Service in China, in the official year 1865-66, has been fixed, with the concurrence of the Lords Commissioners of the Treasury, at two shillings (2s.) the Rupee.

2. You will direct the same rate to be observed in 1865-66, in respect of Officers' Family remittances and effects.

Ordered, that the above-mentioned Despatch be published in the *Gazette of India* for general information.

No. 783.

Mr. W. E. Gordon received charge of the Office of First Assistant Auditor General of India on the forenoon of the 6th February 1865.

E. H. LUSHINGTON,

*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Fort William, the 14th February 1865.*

No. 133 of 1865.—Major General Lord George Paget, c. B., Commanding the Sirhind Division, is allowed leave of absence from the 19th February to the 14th March next, to visit Bombay, preparatory to proceeding to Europe.

*The 6th February 1865.*

No. 134 of 1865.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant George Scott Hills, of the late 38th Regiment Native Infantry, Quarter Master, 28th (Punjab) Regi- ment Native Infantry	}	16th January 1865.
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No. 135 of 1865.—The services of Lieutenant F. W. Major, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

No. 136 of 1865.—The rules laid down by Government General Order of the 25th October 1822, for the appointment of European Station Butchers, and the conduct of the duties entrusted to them, being no longer fully applicable, owing to the various changes that have taken place in the system of rationing the British Troops, the following are promulgated for future guidance, in supersession of previous rules:—

1. At every station occupied by an European Garrison, not less in strength than one Regiment, a European Station Butcher of suitable qualifications, and of good character and sober habits, to be carefully selected, by the Officer Commanding, from the European Troops quartered at the station, is to be appointed, in Station Orders, for the supervision, under the orders of the Executive Commissariat Officer, of the slaughter-yard and slaughter cattle.

2. The Butcher so appointed will march with his corps on its removal from the Garrison, when his place will be filled by another nomination.

3. The Staff pay of a Butcher will be Rs. 20 per mensem.

4. As it is necessary for Station Butchers to reside near the cattle pens, with the supervision of which and the selecting of the cattle for slaughter their duties are specially connected, quarters will be provided for them when necessary in a suitable locality; pending the construction or provision of which, and so long as it is necessary for them to hire quarters, house-rent, not exceeding Rs. 15 per mensem, will be passed on the certificate of the Executive Commissariat Officer, that the Butcher is occupying quarters in the vicinity of the pens.

5. The Butcher will, however, be quartered in his own barracks when these are not too far from the slaughter-house and cattle pens; and pony allowance at Rs. 10 per mensem will be granted specially to him when the necessity for it may be shown by the Executive Commissariat Officer, through the Head of his Department.

6. All pay and allowances accruing to a Station Butcher will be drawn for in the Regiment to which he belongs; and, on staff pay being drawn for the first time for an European Butcher, a certified extract of the Station Order appointing him should be attached to the pay abstract of his Regiment. This will be sufficient authority for the Pay Department, and confirmation of the Station Order in General Orders is unnecessary.

7. In all other respects he will be at the disposal of the Executive Commissariat Officer, under whose orders his duties will be as follows:—

I. By daily careful inspection to see that the full stock of cattle and sheep are duly kept up by the contractor as per contract deed, as also the stipulated quantity of fodder; that the animals are regularly watered twice a day, or more frequently if necessary; and that they daily get the prescribed quantity of fodder (according to the season), and of salt,—and that the pens and slaughter-yards are kept thoroughly clean.

II. He will also superintend and direct the whole process of preparing the meat intended to be served out to the Troops, and it will be his bounden duty to bring any omissions or abuse on the part of the contractors or their people, to the immediate notice of the Executive Commissariat Officer.

III. After the meat has been prepared, he should mark it, and take such other precautions to prevent its being changed as may be found necessary. He will also attend at the ration stands whenever he may be required to do so by the Executive Commissariat Officer.

No. 137 of 1865.—The Troops noted in the margin having embarked for England, are struck off the strength of the Bengal Presidency, from the dates of their respective embarkation.

No. 138 of 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Surgeon John Wilson, of the } For 20 months,  
Madras Medical Establish- } under the new  
ment. } Regulations.

Major John Robert Alexander }  
Shakespear Lowe, of the } For 20 months.  
Bengal Staff Corps, Deputy }  
Assistant Commissary Gen- }  
eral. }

The 7th February 1865.

No. 139 of 1865.—The under-mentioned Non-commissioned Officer is admitted to pension, as specified opposite to his name:—

Sergeant Thomas McGuire, of } Rs. 30 (thirty)  
the local Company of Euro- } per mensem,  
pean Infantry. } payable in  
India.

No. 140 of 1865.—Major H. Mills, Sub-Assistant Commissary General, is allowed leave of absence from the 1st February 1865 to date of embarkation, to visit the Presidency, preparatory to applying for leave of absence on medical certificate to Europe.

No. 141 of 1865.—The leave of absence on private affairs granted to Surgeon J. W. Mountjoy, of the Medical Department, in Government General Order No. 715 of the 30th November 1863, and extended in Government General Order No. 623 of 1864, is to be held to have had effect from the 7th October 1863 to the 7th April 1864, instead of the dates previously fixed.

No. 142 of 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel Henry Cur- }  
rey James, of the Bengal } For 20 months.  
Staff Corps, Private Secretary }  
to the Hon'ble the Lieuten- }  
ant Governor of Bengal. }

Major Henry Mills, of the } For 20 months.  
Bengal Staff Corps, Sub-As- }  
sistant Commissary General. }

Captain Julius D. Laurie, of } For 20 months,  
Her Majesty's 34th Foot, } under the new  
District Inspector of Mus- } Regulations.  
ketry, 5th Division. }

No. 143 of 1865.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Governor General's Body Guard.	Jemadar Byzo Singh	Subadar, and appointed Subadar Major.	1st Oct. 1864	Cullum Ally, invalided.
Ditto	Havildar Shaikh Jehangeer Bux	Jemadar	1st " "	Byzo Singh, promoted.
5th Regt. Native Light Infantry.	Havildar Persaud Singh	Ditto	29th Nov. "	Banarussie Chowbey, deceased.
19th (The Punjab) Regt. Native Infantry.	Jemadar Kohr Singh	Subadar	10th Dec. 1864	Sirbaz Khan, resigned.
Ditto	Havildar Churn Singh	Jemadar	10th " "	Kohr Singh, promoted.

The 8th February 1865.

No. 144 of 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel Robert MacLagan, of the Royal Engineers, } For 15 months, under the new  
Chief Engineer and Secretary to the Government of the } Regulations.  
Punjab, Department of Public Works. }

Lieutenant Charles David Peter Nott, of the late 4th Euro- } For 20 months, under the new  
pean Regiment.. } Regulations.

No. 145 of 1865.—In conformity with Government General Order No. 144 of 1862, the following Statement of Deposits made at the Presidency Pay Office, during the month of January 1865, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty, is published for general information; and it is hereby notified that claims to the Estates in question, which shall not be preferred to the Presidency Pay Master by Executors and Administrators, before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money after that period will be remitted to, and made payable by the Secretary of State for India.

*Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of January 1865.*

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Extra due to Estates.	Total unclaimed amount deposited.	HOW DISPOSED OF.			Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.	
10th Jan. 1865	Commissioned and Warrant Officers.												
	(a) Thomas Kirkpatrick	Captain	Madras Staff Corps	...	12th June 1864	Intestate	Rs. A. P. 264 8 6	...	Rs. A. P. 264 8 6				
14th "	L. R. Newhouse	Brevet Captain	5th European Regt.	...	.....	...	13 15 2	...	13 15 2				
18th "	(b) John Borthwick	Ast. Comy.	Ord. Comt. Dept.	...	26th May 1864	Testate	266 9 9	...	266 9 9				
30th "	(c) Hotham Taylor Woodcock	Lieutenant	Genl. List, Infy., Bl. Army	...	17th Nov. 1863	Intestate	91 13 0	...	91 13 0				
10th "	Non-Commissioned Officers and Soldiers.												
	(d) Joseph Shaw	Magazine Sergeant	Ordnance Department	...	25th June 1864	Testate	654 4 3	...	654 4 3				
18th "	(e) James Scott	Bombardier	1st By. Bengal Artillery	11,190	26th Oct. 1864	Intestate	335 1 6	...	335 1 6				
24th "	(f) William Robinson	Private	Late 1st En. Bl. Fusiliers	...	1st Aug. 1858	...	11 1 0	...	11 1 0				
24th "	(g) John Brierly	Sergeant	Sappers & Miners	...	3rd Sept. 1864	Testate	1,533 10 0	...	1,533 10 0				
24th "	(h) Samuel Store Marriott	Overseer Sergeant	Public Works Dept.	...	30th June 1864	Intestate	680 8 0	...	680 8 0				
	Total Rupees	.....	.....	...	.....	...	3,851 7 2	...	3,851 7 2				

(a) Next of kin, brother, Surgeon Major James Kirkpatrick, Bangalore.

(b) Widow, Mrs. Agnes Borthwick, and six children.

(c) Next of kin, brother, Captain E. Woodcock (Bombay Staff Corps), District Superintendent of Police, Secapore, Oudh.

(d) Legatee, mother, Mary Shaw, deceased, next of kin, sister, Mary Walker Barber, Maholah, Meerut.

FOR WILLIAM;

PAY OFFICE,

The 31st January 1865.

(e) Next of kin, mother, Elizabeth Scott, Lambeth, Surrey, England.

(f) Next of kin, not known.

(g) Widow, Mrs. Margaret Brierly, Hedridge, Derbyshire, England.

(h) Widow, Mrs. Mary Marriott.

C. F. M. MUNDY, Lieut. Colonel,

Presidency Pay Master.



No. 146 of 1865.—The services of the under-mentioned Officers are placed at the disposal of the Foreign Department:—

Major (Brevet Colonel) R. G. Taylor, c. b., of the Bengal Staff Corps.

Lieutenant (Brevet Captain) F. H. Hammer, of the late 34th Regiment Native Infantry.

No. 147 of 1865.—Major General Sir Neville Chamberlain, now on sick leave in Europe, having tendered his resignation of the command of the Punjab Irregular Force, the Right Hon'ble the Viceroy and Governor General in Council considers it his duty to place on record that the Government of India has the highest appreciation of the services of this distinguished Officer.

Sir Neville Chamberlain having served with honour during the two campaigns in Afghanistan, in the Gwalior Campaign of 1843, and in the second Sikh war, was, in the year 1855, appointed to the command of the Punjab Irregular Force, since which period he has most successfully conducted the arrangements for the protection of the Border occupied by that Force, while he has ably commanded several important expeditions into the adjacent mountains, concluding with that to Umbeyla in 1863, when he was severely wounded, and compelled to return to Europe.

Nor must it be forgotten that during the mutiny, when a large portion of the Punjab Irregular Force proceeded to Hindoostan, Sir Neville Chamberlain was, in the first instance, placed in command of the movable column formed for the security of the Punjab, and, subsequently, was called to the important post of the Adjutant General of the Army at Delhi, in which capacity he was highly distinguished, and received a most severe wound.

Not only was Sir Neville Chamberlain often distinguished on field service during his command of the Punjab Irregular Force, but he strenuously and successfully exerted himself for the discipline, efficiency, and welfare of the Troops under his command; he cordially co-operated with the Civil Government in its efforts for the benefit of the people, and he maintained a friendly intercourse with the principal Natives in the neighbourhood of his command.

In all these particulars he set an admirable example to all under his control, an example which the Government would desire to see followed by all British Officers in India.

The Viceroy and Governor General in Council deeply regrets the retirement of such an Officer from his command, but trusts he may again have the opportunity of serving his Sovereign in other capacities, when his health, shattered by numerous wounds and arduous service, has recovered under the influence of rest in his native country.

No. 148 of 1865.—His Excellency the Governor General in Council is pleased to make the following appointments:—

*Punjab Irregular Force.*

Brigadier General A. F. Wilde, c. b., Commandant, Corps of Guides, and Officiating Commandant of the Punjab Irregular Force, to be Commandant of the Force, in succession to Major General Sir N. B. Chamberlain, k. c. b., who has resigned the appointment.

*Corps of Guides.*

Colonel S. J. Browne, c. b. and v. c., Commandant, 2nd Punjab Cavalry, and Officiating Commandant, Corps of Guides, to be Commandant, *vice* Brigadier General Wilde, c. b.

*2nd Cavalry.*

Captain T. G. Kennedy, 2nd in Command, Corps of Guides, and Officiating Commandant, 2nd Cavalry, to be Commandant, *vice* Colonel Browne, c. b.

*Corps of Guides.*

Captain F. H. Jenkins, 2nd in Command, 1st Sikh Infantry, and Officiating 2nd in Command, Corps of Guides, to be 2nd in Command, and Wing Officer, *vice* Captain Kennedy.

*1st Sikh Infantry.*

Lieutenant H. C. P. Rice, Wing Officer, and Officiating 2nd in Command, to be 2nd in Command and Wing Officer, *vice* Captain Jenkins.

Lieutenant A. G. Ross, Adjutant, and Officiating Wing Officer, to be Wing Officer, *vice* Lieutenant Rice.

*The 9th February 1865.*

No. 149 of 1865.—The leave of absence on medical certificate to proceed to Australia, granted to Captain (Brevet Major) W. Metcalf, of the late 35th Light Infantry, in Government General Order No. 168 of the 1st March 1864, is extended from the 10th April to the 31st December 1865, on the same account.

No. 150 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Frederick Vincent Eyre, of the Royal Artillery, Commissary of Ordnance, 3rd Class.	} For 20 months, under the new Regulations.
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*The 10th February 1865.*

No. 151 of 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel W. W. Turner, c. b., of Her Majesty's 97th Foot, to the Brigade Staff of the Army, with the rank of Brigadier General, in succession to Major General W. O'G. Haly, c. b., whose appointment to the Divisional Staff was announced in Government General Order No. 17 of the 6th ultimo.

No. 152 of 1865.—Sergeant Edward Brown is promoted to the rank of Sub-Conductor in the Army Commissariat Department, with effect from the 21st ultimo, *vice* Sub-Conductor Asher, pensioned.

No. 153 of 1865.—It is notified for general information that a successful examination in the First or lower standard, laid down in Government General Order No. 734 of the 9th September 1864, will be held to be a sufficient qualification in the Native languages for the appointment of Aide-de-Camp.

No. 154 of 1865.—The under-mentioned Officers have reported their return from England. :—

*Date of arrival at  
Fort William.*

Major (Brevet Colonel) R. G. Taylor, C. B., of the Bengal Staff Corps.	} 28th January 1865.
Assistant Surgeon A. R. Waghorn, of the Medical Department.	

No. 155 of 1865.—The under-mentioned Officer having completed five years' service as Captain and Brevet Lieutenant Colonel, and as Major and Brevet Lieutenant Colonel, to be Colonel in the Army, from the date specified opposite to his name, under the operation of Clause 8 of the Royal Warrant, dated 31st January 1859, published in Government General Order No. 740, dated 20th May 1859, and of Government General Orders Nos. 11 of 1863 and 118 of 1864, subject to Her Majesty's approval:—

BREVET.

*To be Colonel in the Army.*

Major and Brevet Lieutenant Colonel Henry Daly, C. B., of the Bombay Staff Corps.	} 20th July 1864.

No. 156 of 1865.—The Right Hon'ble the Governor General in Council is pleased to confer temporarily the rank and position of a Brigadier General of the 2nd Class upon Colonel J. M. B. F. Tytler, C. B., of the Bengal Staff Corps, while employed with the Dooar Field Force.

H. W. NORMAN, Colonel,

*Secy. to the Govt. of India.*

## PUBLIC WORKS DEPARTMENT.

### ESTABLISHMENT.

No. 32.

*Fort William, the 6th February 1865.*

### NOTIFICATIONS.

Sub-Conductor C. Montague, Assistant Supervisor, Public Works Department, held charge of the Sumbulpore Division of Public Works from the 25th July 1863 to the 10th November 1864.

No. 33.

The under-mentioned temporary Assistant Overseers serving in the Central Provinces are permanently appointed to the Public Works Department as Overseers of the 2nd grade, with effect from the 23rd June 1864 :—

Corporal R. Cooper.
" W. Ramsden.
" C. Wells.

No. 34.

Mr. C. Nuttall, Officiating Controller, Public Works Accounts, Mysore, assumed charge of his

duties on the 3rd January 1865. This cancels Notification No. 20 of the 26th ultimo.

No. 35.

Lieutenant W. A. J. Wallace, R. E., is appointed to the Public Works Department as an Assistant Engineer, 2nd Class, with effect from the 14th April 1864, and temporarily posted to Bengal.

No. 36.

*The 8th February 1865.*

Mr. R. Watcham, having passed the prescribed examination, is appointed to the Department of Public Works as an Accountant, 4th grade, and posted to Mysore, with effect from the 15th November last.

No. 37.

*Erratum.*—In Notifications No. 323 of the 21st November last, transferring Lieutenant W. P. Tomkins to British Burmah, and No. 22 of 1865, for "Assistant Engineer, 1st Class," read "Assistant Engineer, 2nd Class."

No. 38.

Sub-Conductor H. L. B. DeBacker having been admitted to pension on the 24th October 1863, he is struck off the strength of the Public Works Establishment, with effect from that date.

No. 39.

Mr. Edward James is appointed to the Public Works Department as a Probationary Assistant Engineer, and posted to the Punjab.

No. 40.

Mr. W. R. Chill, Accountant, 4th grade, joined the Office of Public Works Accounts, Oudh, on the 12th January 1865.

No. 41.

The Chief Engineer of Irrigation Works in the Punjab will henceforth be an ex-officio Under Secretary to that Government for the Irrigation Branch of the Public Works Department.

No. 42.

*The 10th February 1865.*

Mr. J. Adam, Executive Engineer, 3rd Class, is transferred from the Punjab to British Burmah.

No. 43.

Mr. R. G. Elwes, Assistant Engineer, 1st Class, Punjab, passed the examination in Hindoostanee on the 9th January 1865.

E. C. S. WILLIAMS, Captain, R. E.

*Under Secy. to the Govt. of India.*

## Quarterly Report for the Quarter ending 31st December 1864.

*Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in October 1864.*

## P E R S I A N.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Ogilvie	N. W. P.	22nd Nov. 1863	26th Nov. 1863	Passed on the 1st instant. Qualified for the public service, having passed in Hindi on 2nd May 1864.
2	Smyth	Ditto	2nd Dec. 1863	7th Dec. 1863	Passed in Hindi on 2nd May 1864.
3	Champneys	Ditto	12th Dec. 1863	14th Dec. 1863	Passed in Hindi on 1st June 1864.
4	Crawford	Ditto	8th Jan. 1864	18th Jan. 1864	Passed in Hindi on 1st July 1864.
5	O'Brien	Ditto	11th Jan. 1864	18th Jan. 1864	Ditto ditto.
6	Boys	Ditto	30th Oct. 1863	9th Nov. 1863	Studying at Hazaribagh. Passed in Hindi on 8th February 1864.
7	Lister	Ditto	11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

## U R D U.

1	Wilson	B.	24th Dec. 1863	2nd Jan. 1864	Studying at Dacca. Passed in Bengali on 1st July 1864.
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## H I N D I.

1	Williams	N. W. P.	12th Dec. 1863	14th Dec. 1863	Passed in Persian on 1st July 1864. Qualified for the public service, having passed in Hindi on 8th February 1864. Studying for Honors in the Hindi language.
2	Wright	Ditto	15th Jan. 1864	8th Feb. 1864	Passed in Persian on 1st August 1864. Qualified for the public service, having passed in Hindi on 1st April 1864. Studying for Honors in the Hindi language.
3	Jardine	Ditto	14th Nov. 1863	17th Nov. 1863	Passed in Hindi on 3rd June 1864 at Darjeeling. Qualified for the public service, having passed in Persian on 1st March 1864. Studying for Degree of Honor in the Hindi language.

## B E N G A L I.

1	Magrath	B.	14th Nov. 1863	17th Nov. 1863	Passed in Urdu on 2nd May 1864.
2	Kirkwood	B.	2nd Dec. 1863	7th Dec. 1863	Passed in Urdu on 1st August 1864.
3	Mosley	B.	12th Dec. 1863	14th Dec. 1863	Passed in Urdu on 1st June 1864.
4	Quinn	B.	8th Jan. 1864	18th Jan. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 2nd May 1864.
5	Dalton	B.	8th Jan. 1864	18th Jan. 1864	Passed in Urdu on 1st September 1864.
6	MacAuliffe	B.	9th Feb. 1864	22nd Feb. 1864	Passed in Urdu on 1st July 1864.
7	Bovell	B.	12th Mar. 1864	21st Mar. 1864	Ditto ditto.
8	Hurley	B.	14th Nov. 1863	17th Nov. 1863	Passed for a certificate of High Proficiency in Bengali on the 1st instant. Qualified for the public service, having passed in Urdu in March 1864, and Bengali on 1st June 1864.



*Report on the Examination of the Junior Unpassed Civil Servants,—continued.***BENGALI,—continued.**

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
9	McWilliam ...	B. ...	22nd Nov. 1863	26th Nov. 1863	Passed in Bengali on 1st July 1864. Qualified for the public service, having passed in Urdu on 2nd January 1864. Studying for Honors in the Bengali language.
10	Thompson ...	B. ...	17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the public service, having passed in Urdu on 1st June 1864. Studying for Honors in the Bengali language.
11	Campbell ...	B. ...	17th Jan. 1864	8th Feb. 1864	Absent on medical certificate. Passed in Bengali on 1st September 1864. Qualified for the public service, having passed in Urdu on 1st July 1864. Studying for Honors in the Bengali language.
12	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1864	Leave on medical certificate to Kusowlie. Passed in Urdu on 1st March 1864.

*Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in November 1864.***PERSIAN.**

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Boys ...	N. W. P.	30th Oct. 1863	9th Nov. 1863	Passed on the 1st instant. Qualified for the public service, having passed in Hindi on 8th February 1864.
2	Smyth ...	Ditto ...	2nd Dec. 1863	7th Dec. 1863	Passed on the 1st instant. Qualified for the public service, having passed in Hindi on 2nd May 1864.
3	Champneys ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Left the hall sick. Passed in Hindi on 1st June 1864.
4	Crawford ...	Ditto ...	8th Jan. 1864	18th Jan. 1864	Passed in Hindi on 1st July 1864.
5	O'Brien ...	Ditto ..	11th Jan. 1864	18th Jan. 1864	Ditto ditto.
6	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

**URDU.**

1	Smeaton ...	B. ...	At Calcutta. 19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Wilson ...	B. ...	24th Dec. 1863	2nd Jan. 1864	Studying at Dacca. Passed in Bengali on 1st July 1864.

**HINDI.**

1	Ellison ...	N. W. P.	At Calcutta. 19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Williams ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Passed in Persian on 1st July 1864. Qualified for the public service, having passed in Hindi on 8th February 1864. Studying for Honors in the Hindi language.

*Report on the Examination of the Junior Unpassed Civil Servants,—continued.*

## . H I N D I,—continued.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
3	Wright	N. W. P.	15th Jan. 1864	8th Feb. 1864	Passed for a certificate of High Proficiency in Hindi on 1st instant. Qualified for the public service, having passed in Hindi on 1st April, and Persian on 1st August 1864.
4	Jardine	Ditto	14th Nov. 1863	17th Nov. 1863	Passed in Hindi on 3rd June 1864 at Darjeeling. Qualified for the public service, having passed in Persian on 1st March 1864. Studying for Degree of Honor in the Hindi language.

## B E N G A L I.

1	Magrath	B.	14th Nov. 1863	17th Nov. 1863	Passed in Urdu on 2nd May 1864.
2	Kirkwood	B.	2nd Dec. 1863	7th Dec. 1863	Passed in Urdu on 1st August 1864.
3	Mosley	B.	12th Dec. 1863	14th Dec. 1863	Passed in Urdu on 1st June 1864.
4	Dalton	B.	8th Jan. 1864	18th Jan. 1864	Passed in Urdu on 1st September 1864.
5	MacAuliffe	B.	9th Feb. 1864	22nd Feb. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 1st July 1864.
6	Bovell	B.	12th March 1864	21st March 1864	Passed in Urdu on 1st July 1864.
7	Hallatt	B.	At Calcutta. 19th Oct. 1864	24th Oct. 1864	Not passed in any language.
8	McWilliam	B.	22nd Nov. 1863	26th Nov. 1863	Passed in Bengali on 1st July 1864. Qualified for the public service, having passed in Urdu on 2nd January 1864. Studying for Honors in the Bengali language.
9	Thompson	B.	17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the public service, having passed in Urdu on 1st June 1864. Studying for Honors in the Bengali language.
10	Campbell	B.	17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the public service, having passed in Urdu on 1st July 1864. Studying for Honors in the Bengali language.
11	Kinsey	B.	10th Oct. 1863	15th Oct. 1863	Leave on medical certificate to Kussowlie. Passed in Urdu on 1st March 1864.

*Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in December 1864.*

## P E R S I A N.

Nos.	Names.	Division of Presidency.	Date of arrival.	Date of Initiatory Examination.	REMARKS.
1	Champneys	N. W. P.	12th Dec. 1863	14th Dec. 1863	Passed in Hindi on 1st June 1864.
2	Crawford	Ditto	8th Jan. 1864	18th Jan. 1864	Passed in Hindi on 1st July 1864.
3	O'Brien	Ditto	11th Jan. 1864	18th Jan. 1864	Passed on the 1st instant. Qualified for the public service, having passed in Hindi on 1st July 1864.
4	Lister	Ditto	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

*Report on the Examination of the Junior Unpassed Civil Servants,—continued.*

## U R D U.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Smeaton	... N. W. P.	At Calcutta. 19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Huddleston	... Ditto	At Calcutta. 16th Nov. 1864	17th Nov. 1864	Ditto ditto.
3	Neill	... Ditto	At Calcutta. 25th Nov. 1864	28th Nov. 1864	Ditto ditto.
4	Gardiner	... Ditto	At Calcutta. 25th Nov. 1864	28th Nov. 1864	Ditto ditto.
5	Thorburn	... B.	At Calcutta. 25th Nov. 1864	28th Nov. 1864	Ditto ditto.
6	Hodgkinson	... B.	At Calcutta. 25th Nov. 1864	28th Nov. 1864	Ditto ditto.
7	Venning	... N. W. P.	At Calcutta. 26th Nov. 1864	1st Dec. 1864	Ditto ditto.
8	Wilson	... B.	24th Dec. 1863	2nd Jan. 1864	Studying at Patna. Passed in Bengali on 1st July 1864.

## H I N D I.

1	Ellison	... N. W. P.	At Calcutta. 19th Oct. 1864	1st Nov. 1864	Not passed in any language.
2	Beachcroft	... Ditto	At Calcutta. 14th Nov. 1864	17th Nov. 1864	Ditto ditto.
3	Stogdon	... Ditto	At Calcutta. 12th Nov. 1864	17th Nov. 1864	Ditto ditto.
4	Williams	... Ditto	12th Dec. 1863	14th Dec. 1863	Absent on medical certificate. Passed in Persian on 1st July 1864. Qualified for the public service, having passed in Hindi on 8th February 1864. Studying for Honors in the Hindi language.
5	Jardine	... Ditto	14th Nov. 1863	17th Nov. 1863	The Board recommend that a Certificate of High Proficiency in Hindi be awarded to him. Qualified for the public service, having passed in Persian on 1st March in Calcutta, and Hindi on 3rd June 1864 at Darjeeling.

## B E N G A L I.

1	Magrath	... B.	14th Nov. 1863	17th Nov. 1863	Passed in Urdu on 2nd May 1864.
2	Kirkwood	... B.	2nd Dec. 1863	7th Dec. 1863	Passed on the 1st instant. Qualified for the public service, having passed in Urdu on 1st August 1864.
3	Mosley	... B.	12th Dec. 1863	14th Dec. 1863	Passed in Urdu on 1st June 1864.
4	Dalton	... B.	8th Jan. 1864	18th Jan. 1864	Passed in Urdu on 1st September 1864.
5	Bovell	... B.	12th March 1864	21st Mar. 1864	Passed in Urdu on 1st July 1864.
6	Hallett	... B.	At Calcutta. 19th Oct. 1864	24th Oct. 1864	Passed on the 1st instant. Has to pass in a second language.
	Gordon	... B.	At Calcutta. 14th Nov. 1864	17th Nov. 1864	Not passed in any language.
8	Manson	... B.	At Calcutta. 14th Nov. 1864	17th Nov. 1864	Ditto ditto.

*Report on the Examination of the Junior Unpassed Civil Servants,—continued.***BENGALI,—continued.**

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
9	McWilliam ...	B. ...	22nd Nov. 1863	26th Nov. 1863	Passed for a Certificate of High Proficiency in Bengali on 1st instant. Qualified for the public service, having passed in Urdu on 2nd January, and Bengali on 1st July 1864.
10	Thompson ...	B. ...	17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the public service, having passed in Urdu on 1st June 1864. Studying for Honors in the Bengali language.
11	Campbell ...	B. ...	17th Jan. 1864	8th Feb. 1864	Passed in Bengali on 1st September 1864. Qualified for the public service, having passed in Urdu on 1st July 1864. Studying for Honors in the Bengali language.
12	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1863	Studying at Dinapore. Passed in Urdu on 1st March 1864.

By order of the Board of Examiners,

FORT WILLIAM,  
The 26th January 1865. }

E. STGEORGE,  
Offg. Secy. to the Board of Examiners.

No. 1071.

By order of His Excellency the Governor General in Council,

HOME DEPARTMENT,  
The 2nd February 1865. }

E. C. BAYLEY,  
Secy. to the Govt. of India.

**ADVERTISEMENTS.****TO TIMBER MERCHANTS AND CONTRACTORS, &c.***Oudh Forest Department.*

A sale of Sal logs (about 100,000 cubic feet) cut in 1862-63, will take place at noon on the 2nd of March 1865, at Ghuttea Ghaut, on the Sarda, and afterwards at Dhunara Ghaut, two miles further down stream, near the towns of Madho Sunda, Sherepore, and Poorunpore, in the Shajehanpore district; upset price 8 annas per cubic foot. The timber will be sold in both large and small quantities. The timber can be floated to Byram Ghaut for 3 annas a cubic foot, or, after land carriage of some twenty miles, can be floated down the Kumhout Nuddee to the Ganges, then to Cawnpore, Allahabad, Benares, &c. Estimated cost from Ghauts to Cawnpore, 4½ annas per cubic foot. Tenders for quantities over 1,000 cubic feet, at 8 annas per cubic foot, for cash payment, will be accepted up to date of sale. Terms of sale can be had on application to the undersigned.

E. S. WOOD, Captain,

*Offg. Conservr., Oudh Forests.*

CAMP, KYREEGURH FOREST,  
via POORUNPORE,  
ZILLAH SHAJAHANPORE. }

**POSTAL NOTICE.**

An intimation has been received from Her Majesty's Post Master General of England of the establishment of a monthly communication between Port Louis (Mauritius) and Table Bay (Cape of Good Hope) calling at Natal.

The Branch Packet will leave Port Louis immediately after the arrival of the Packet from Suez and Aden, that is, about the 25th of the month, and will return to Port Louis in time for the Packet appointed to leave for Aden and Suez on the 6th of each month.

Letters for Natal, the Cape of Good Hope, St. Helena, and Ascension, if marked via Aden and Mauritius, will be sent by the route above mentioned.

The postage on pre-paid letters sent by this route will be the same as on letters sent via Southampton to England.

Pre-payment is optional.

H. B. RIDDELL,

*Dir. Genl. of the Post Office of India.*

CALCUTTA,  
4th February 1865. }

**LOST.**

Government Currency Note No. 46167, for Rs. 50. Payment stopped.



*Statement of Government Promissory Notes enforced for Payment of Interest in London, showing the total Amount outstanding according to the Registers received in this Office up to 7th February 1865.*

	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 25th January 1865	53,000	300	25,70,100	22,80,900	96,05,700	65,80,800	32,17,400	4,74,49,900	2,37,04,500	17,600	16,000	9,54,96,200
ADD— Amount enfaced at Madras, as per Registers received up to date...	...	...	...	...	3,200	...	...	59,500	45,500	...	...	1,08,200
Amount enfaced at Bombay, as per ditto ditto	...	...	...	...	4,800	...	20,500	20,500	2,50,000	...	...	2,95,800
Amount enfaced at Calcutta up to date.	...	...	...	...	...	500	2,200	6,50,500	1,85,800	...	...	8,39,000
Total	53,000	300	25,70,100	22,80,900	96,13,700	65,81,300	32,40,100	4,81,80,400	2,41,85,800	17,600	16,000	9,67,39,200
DEDUCT— Amount removed from the Lon- don Books, as per Registers received up to date	...	...	7,500	2,200	57,600	18,000	23,000	1,02,500	77,000	...	...	2,87,800
Total	53,000	300	25,62,600	22,78,700	95,56,100	65,63,300	32,17,100	4,80,77,900	2,41,08,800	17,600	16,000	9,64,51,400

FOR WILLIAM;

LOAN OFFICE,

The 9th February 1865.

R. P. HARRISON,

Acctt. Genl. to the Govt. of India.

### Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

The under-mentioned students have passed the examination for the Degree of Bachelor of Arts :—

#### FIRST DIVISION.

##### In order of Merit.

1. Chunder Nauth Bose ... Presidency College.
2. { H. Blochmann ... Professor, Doveton College.  
Rash Behary Ghose ... Presidency College.
4. Kally Churn Banerjee... Calcutta Free Church Institution.
5. Kopally Promonno Mookerjee ... Presidency College.
6. Joy Gobindo Shome ... Calcutta Free Church Institution.
7. Gobindo Chunder Ghose, Presidency College.
8. Nebarun Chunder Mookerjee ... ditto.
9. Baney Madub Dey ... ditto.
10. Omakanto Chatterjee ... ditto.
11. Shoshee Bhoosun Banerjee ... ditto.
12. Dwarka Nauth Bhattacharjee ... ditto.
13. Okhoy Coomar Roy ... ditto.
14. Bhoobun Mohun Porel... Calcutta Free Church Institution.
15. Chunder Mohun Ghose Medical College.
16. Shumbhoo Chunder Naug ... Dacca College.

#### SECOND DIVISION.

##### In Alphabetical Order.

- |                           |     |                                       |
|---------------------------|-----|---------------------------------------|
| Atma Ram                  | ... | Agra College.                         |
| Charoo Chunder Dutt       | ... | Presidency College.                   |
| Chunder Coomar Doss       | ... | ditto.                                |
| D'Cruz, L. W.             | ... | Doveton College.                      |
| Debender Chunder Ghose    | ... | Presidency College.                   |
| Deno Nauth Sen            | ... | Dacca College.                        |
| Gopal Chunder Bose        | ... | Presidency College.                   |
| Grish Chunder Chatterjee  | ... | Calcutta Free Church Institution.     |
| Hem Chunder Chatterjee    | ... | Teacher, Chinsurah F. C. Institution. |
| Janokee Nauth Mookerjee   | ... | Presidency College.                   |
| Juggeshur Chunder         | ... | ditto.                                |
| Jugguth Doorlub Mookomdar | ... | Teacher.                              |
| Kali Padu Gupta           | ... | Medical College.                      |
| Kanny Laul Seal           | ... | Presidency College.                   |
| Kishory Mohun Chatterjee  | ... | Doveton College.                      |
| Madhava Chundra Dova      | ... | Benares College.                      |
| Mohine Mohun Burdane      | ... | Dacca College.                        |
| Mohammed Diem             | ... | Presidency College.                   |
| Nilmoney Doss             | ... | ditto.                                |
| Opendro Chandro Mullick   | ... | ditto.                                |
| Prosunno Badano Mitra     | ... | Benares College.                      |
| Prem Chand Mullick        | ... | Presidency College.                   |
| Protap Chunder Ghose      | ... | ditto.                                |
| Roodro Canto Biswas       | ... | ditto.                                |
| Shama Churn Chuckerbutty  | ... | ditto.                                |
| Shoshee Bhoosun Bose      | ... | Dacca College.                        |
| Shurbanundo Doss          | ... | Presidency College.                   |
| Tariny Churn Ghose        | ... | ditto.                                |
| Twidale, G. A.            | ... | Doveton College.                      |

The under-mentioned students have passed the examination for the Degree of Bachelor in Law :—

#### FIRST DIVISION.

##### In order of Merit.

1. { Gooroo Prosand Sen ... Presy. College (Law Dept.)  
Tara Bilash Mitter ... ditto ditto.
3. Troylokho Nauth Mitter ditto ditto.
4. Omer Nauth Bose ... ditto ditto.
5. Raj Mohun Mookerjee... ditto ditto.
6. Gobindo Chunder Seal... ditto ditto.
7. Ram Laul Mookerjee ... ditto ditto.
8. Grish Chunder Chowdhry ditto ditto.
9. Peary Laul Goochoo ... ditto ditto.
10. Sham Laul Halder ... ditto ditto.

#### SECOND DIVISION.

##### In order of Merit.

- |                             |     |                            |
|-----------------------------|-----|----------------------------|
| Mutty Laul Sircar           | ... | Presy. College (Law Dept.) |
| Krishno Chunder Chatterjee, | ... | ditto ditto.               |
| Hurri Narain Roy            | ... | ditto ditto.               |
| Loll Gopaul Dutt            | ... | ditto ditto.               |
| Baney Madhub Mitter         | ... | ditto ditto.               |
| Hernambo Lall Goshamy       | ... | ditto ditto.               |
| Grish Chunder Chuckerbutty  | ... | ditto ditto.               |

The under-mentioned student has passed the examination for the Degree of Bachelor in Medicine :—

- |                     |     |                  |
|---------------------|-----|------------------|
| Doyal Chunder Shome | ... | Medical College. |
|---------------------|-----|------------------|

The under-mentioned students have passed the examination for a License in Law :—

##### In Alphabetical order.

- |                            |     |                            |
|----------------------------|-----|----------------------------|
| Ishen Chunder Singh        | ... | Presy. College (Law Dept.) |
| Kooloda Prosand Mookerjee, | ... | ditto ditto.               |
| Poorno Chunder Mitter      | ... | ditto ditto.               |
| Protap Chunder Dey         | ... | ditto ditto.               |
| Shoshee Bhoosun Sen        | ... | ditto ditto.               |

J. SUTCLIFFE, M. A.,

Offg. Registrar.

The 30th January 1865.

#### STOLEN.

The Government Promissory Note No. 2477 of 2425 of 1842-43, for Rs. 500, of the 4 per cent. Loan originally standing in the name of Bshree Pershad, Commissariat Gomashtah, and finally endorsed to the undersigned.

Payment of the above note and interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate number in favour of the proprietor.

HURDUL,  
The 16th January 1865. }

RAM NARAIN.

#### NOTICE.

Sealed Tenders will be received by the Agent for Gunpowder at Ishapore up to 10 A. M. of the 1st May 1865, and opened at noon the following day, in the presence of attending parties, for the supply of (40,000) forty thousand maunds of Peeled Stalk of the Urhur Dallwood; the wood to be of the last crop, sound, and free from weevils. The entire supply to be rendered at the Gunpowder Works before the 1st March 1866.

Security two thousand five hundred Rupees One hundred Rupees (returnable) to be sent with each Tender.

Parties are requested not to enclose cash for security in their Tenders, but to send it by the hands of the persons who are to be present at the opening of the Tenders.

No Tender will be opened unless such person appear.

G. E. VOYLE, Lieut. Col., R. A.

Agent for Gunpowder.

ISHAPORE POWDER WORKS, }  
6th February 1865.

## SHERIFF'S OFFICE.

Notice is hereby given that the Criminal Sessions of the High Court of Judicature at Fort William in Bengal in its Ordinary Original Jurisdiction for the year 1865, will be held on the under-mentioned dates, viz. :—

1st Criminal Sessions,	Thursday,	19th January.
2nd do. do.	Friday,	10th March.
3rd do. do.	Tuesday,	25th April.
4th do. do.	Monday,	5th June.
5th do. do.	Tuesday,	18th July.
6th do. do.	Monday,	14th August.
7th do. do.	Thursday,	14th September.
8th do. do.	Friday,	24th November.

H. DUNDAS,  
Sheriff.

12th January 1865.

## FOR SALE,

A COLLECTION of TREATIES, ENGAGEMENTS, and SUNNDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department. Price, Five Rupees per volume

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal, 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundelcund. Super royal, 8vo. pp. 588.

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore, and Coorg, the Madras Presidency, and Ceylon.

VOLUME VI.—Containing Treaties, &c., relating to the States within the Bombay Presidency.

## COMMISSARIAT NOTIFICATION.

I. Under instructions from Government, the Tannery at Hoonsoor, near Mysore, with all fixtures, is to be disposed of, and notice is hereby given that tenders for the same will be received by the Deputy Commissary General at his Office at Madras, up to 12 o'clock noon of Tuesday, the 21st March 1865.

II. The Tannery stands in an enclosed yard about 626 feet long by 473 feet broad, and is situated on the "Lutchmen Treert" River, has an ample supply of water, and comprises—

- "Bark and Raw Hide store-rooms,
- "Lime and Bark Pits,
- "Upper-storied Currier's shop,
- "Buff Mill,
- "Work shop,
- "Store Godowns for finished goods,"

with all the other requisite buildings for a business capable of turning out 2,000 Hides a month in the best style.

III. The Tannery will be made over to the successful competitor on the 1st of July 1865, on his complying with conditions hereinafter mentioned.

IV. There is a large quantity of stock, raw and in process of tanning, on hand, which the successful competitor for the Tannery will have the option of taking at a valuation, composed of Australian, Cape, and Country Bullock, Buffaloe, Sheep, and Goat Hides.

V. One-third of the price to be paid down in cash on the acceptance of the successful tenders being declared, and the balance on or before the 1st July 1865.

VI. Should the successful competitor for the Tannery take the stock at a valuation, transfer of the whole property can be made at once on payment of balance of price.

VII. Failing the due fulfilment of this engagement, the purchaser will forfeit the aforesaid third of the purchase money.

VIII. Any further information required can be obtained on application at the Commissary General's Office, or to the Deputy Assistant Commissary General at Hoonsoor, who will show the Tannery.

IX. Intending purchasers must satisfy themselves of the nature and description of the Buildings and Articles. This Department will not be answerable for any errors of description.

By order,

E. E. MILLER, Lieut. Colonel,  
Deputy Commissary General.

COMMY. GENERAL'S OFFICE, }  
Madras, 21st January 1865. }

## No. 2.

## COMMISSARIAT NOTICE.

Scaled tenders are invited for supply of Beef and Mutton to Troops at Fort William and Dum-Dum, on the March and in Camp, at various distances from the Presidency, for fourteen months, from 1st March next.

Form of tender to be had at No. 6, Park Street, where tenders will be received up to 2 p. m. of the 6th, and opened at noon on the 7th February.

Separate tenders required for each Station.

Earnest deposit to be in Government Promissory Notes, or Bank of Bengal Receipt.

## SCHEDULE.

NAMES OF ARTICLES.	Period for which contract is invited.	Aggregate quantity probably deliverable during the contract.	Where and to whom the articles are deliverable.	Installments deliverable and specific time of delivery.	Amount of earnest money to be lodged with tender.	Security to be deposited on acceptance of tender by the Commissary General.	Quality of supply.
<i>Fort William.</i>	From 1st March 1865 to 30th April 1866.	lbs.	Ration grounds and Hospitals to Commanding and Medical Officers.	Half an hour before sunrise daily, according to daily Indents, &c.	Rupees.	Rupees.	Best grass fed.
Beef ... ..		4,28,500			3,000	10,000	
Mutton ... ..		71,500					
<i>Dum-Dum.</i>							
Beef ... ..		8,00,000			3,000	10,000	
Mutton ... ..		50,000					

FORT WILLIAM,  
EXE. COMMISSARIAT OFFICE;  
The 23rd January 1865.

G. S. MACBEAN, Major,  
Assistant Commissary General.





# SUPPLEMENT TO The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 11, 1865.

## OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

### Government of India.

**Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.**

The Council met at Government House on Friday, the 3rd February 1865.

#### PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.

Major General the Hon'ble Sir R. Napier, K.C.B.

The Hon'ble H. B. Harington.

The Hon'ble H. Sumner Maine.

The Hon'ble Sir C. E. Trevelyan, K.C.B.

The Hon'ble H. L. Anderson.

The Hon'ble J. N. Bullen.

The Hon'ble Mahārājā Vijayarāma Gajapati, Rāj Bahādur of Vizianagram.

The Hon'ble Rāja Sāhib Dyal Bahādur.

The Hon'ble G. Noble Taylor.

The Hon'ble W. Muir.

The Hon'ble R. N. Cust.

The Hon'ble Mahārājā Dhiraj Mahtab Chand Bahādur, Mahārājā of Burdwan.

The Hon'ble D. Cowie.

#### COMMON CARRIERS' BILL.

The Hon'ble MR. MAINE presented the report of the Select Committee on the Bill relating to the rights and liabilities of Common Carriers.

#### ACT XXXI OF 1860 CONTINUANCE BILL.

The Hon'ble MR. MAINE also applied to His Excellency the President to suspend the Rules for the conduct of Business, to enable him to intro-

duce the Bill to continue Act XXXI of 1860 for one year from the expiration thereof. In doing so he said that he had no hesitation in asking His Excellency to suspend the Rules, for, although the Bill had been in the hands of the Members for a very short time, it was a Bill which simply had for its object the continuance of an existing law.

The President declared the Rules suspended.

The Hon'ble MR. MAINE then introduced the Bill and moved that it be referred to a Select Committee, with instructions to report in one week. He said he had mentioned, in asking for leave to introduce the Bill, that the Government of India had required from the Governments of the several Presidencies a report on the working of Act XXXI of 1860; and as there would not be sufficient time to obtain their answers before the expiration of the Act, it was proposed to continue it for another year. He, therefore, begged to introduce the Bill and to move that it be referred to a Select Committee, with instructions to report in one week.

The Motion was put and agreed to.

#### ADMINISTRATOR GENERAL'S BILL, 1865.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to exempt the Estates of deceased Officers and Soldiers delivered over to the Administrator General of Bengal, Madras, or Bombay from the operation of the twenty-sixth Section of Act No. VIII of 1855, said that this Bill was not required to change or settle the law, but merely to produce consistency between English and Indian legislation. There was an Act of the British Parliament, known as "The Regimental Debts Act," passed in 1863. It provided (in this respect differing from the Indian Act, VIII of 1855) that the Administrator General should in no case take a larger commission than three per cent. on the assets of Military Estates made over to his charge. Act VIII of 1855, however, allowed the Administrators

General of Madras and Bombay to take a commission of five per cent. upon such assets. There was no doubt as to the law, for, under the Indian Councils' Act, 1861, the English Statute, having been passed since 1861, would over-ride the Indian Act. But still there was an evil in the Indian Act stating a different rate of charges; and therefore, in accordance with the wish of the Secretary of State, he (Mr. Maine) moved for leave to introduce this Bill in order to bring the Indian Act into harmony with English legislation.

The Motion was put and agreed to.

#### FINANCIAL COMMISSIONER (OUDH) JURISDICTION BILL.

The Hon'ble MR. CUST introduced the Bill to remove doubts with regard to the jurisdiction of the Financial Commissioner of Oudh, and moved that it be referred to a Select Committee, with instructions to report in four weeks.—He said, it was desirable that this Bill, if possible, should become law during the present sittings of the Council. He had been in communication with the Chief Commissioner and Financial Commissioner of Oudh, to whom copies of the Bill had been sent, and had received from both of those Officers suggestions which would be laid before the Committee. In vesting the Chief Revenue Authority with judicial powers, no new principle was involved, and it was carefully guarded that the change would be only of the tribunal, and that these powers would be withdrawn when the necessity had ceased. The integrity of the jurisdiction of the Civil Court would thus be maintained. The relaxation of the law of limitation was necessary to prevent a large class of people being deprived of the opportunity of having their rights inquired into by a competent Court.

He had to thank his Hon'ble friend Mr. Harington for assistance in drawing this Bill.

The Motion was put and agreed to.

#### CIVIL AND CRIMINAL COURTS (PUNJAB) BILL.

The Hon'ble MR. CUST, in moving for leave to introduce a Bill to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies, remarked that this Bill followed the form of the British Burmah Act, and the Central Province Civil Courts' Jurisdiction Bill, which was still under the consideration of this Council.

The jurisdiction now exercised by the Civil and Criminal Courts of the Punjab was derived, not from any express provision of law, but from Orders passed from time to time by the Executive Government, to which the force of law had been given by the Indian Councils' Act of 1861: but these orders had been modified from time to time, and it was not always easy to ascertain the precise legal powers of each Court. No change was made in the jurisdiction of any of the Courts.

Up to the present time there was no power to appoint additional Judges, when, owing to the pressure of business, such a measure was necessary: provision had been made in this Bill to remedy this omission.

Any doubt which might have arisen as to the legality of the Revenue Courts for the disposal of suits affecting land was also removed.

If this Bill and the Punjab Chief Court Bill became law, the Courts of Judicature of the Punjab would be on a strictly legal basis, and there would be no room for objection to the

introduction of the Civil Procedure Code: the Code of Criminal Procedure was already in force.

The Motion was put and agreed to.

#### RURAL POLICE (NORTH-WESTERN PROVINCES) BILL.

The Hon'ble MR. MUIR moved that the Report of the Select Committee on the Bill to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant Governor of the North-Western Provinces be taken into consideration. He said that the Report of the Select Committee appointed to examine into the Bill having now been in the hands of the Members a week, he had the honour to move that it be taken into consideration under Rule 24 of the Rules of the Council. Besides a few slight verbal amendments, two additions had been made in the Bill. The first provided that, on the occasion of a vacancy in the office of Village Watchman, if the proprietor failed to appoint a successor within a reasonable time, he should be liable to a fine of Rupees fifty or to imprisonment for one month. There was no doubt that it was desirable to make it imperative on a Zemindar to appoint a successor in case of vacancy; the knowledge that a penalty could be inflicted for neglect to appoint, would probably in every case lead the Zemindar himself to make the appointment; but in case he should fail to do so, the Bill went on to provide that the Magistrate be empowered to appoint a successor.

The other point had been noticed by the Lieutenant Governor of the North-Western Provinces, namely, that the Bill, as first drawn, contained no provision for the punishment of Village Watchmen for neglect or disobedience. A new Section had, therefore, been added, providing for such offences penalties similar to those prescribed for the Police under the Police Act V of 1861.

These were the only alterations which the Committee had proposed besides verbal amendments, and he, therefore, begged to move that the Report be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MUIR said, before moving that the Bill, as amended, be passed into law, he had the honour to move that a slight modification be made in Section 12. It had occurred to him that as the Section in question provided that Village Watchmen might be required to perform any duties required of the Police under Act V of 1861, this might be held to supersede the special duties for which they are already responsible; which of course was not the intention of the Section. Those duties might be required of them in addition to their other duties.

He, therefore, proposed that, after the word "village" in line 5, the words "and in addition to his other duties" be inserted. The Section would then run as follows:

"Any Village Watchman appointed under this Act may be required to perform, within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V of 1861; and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer, subject to the provisions of such Act, and guilty of neglect or disobedience, as the case may be."

The Motion was put and agreed to.

The Hon'ble MR. MUIR also moved that the Bill as amended be passed.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to continue Act XXXI of 1860 for one year from the expiration thereof—The Hon'ble Messrs. Maine, Harington, Taylor, Muir, and Cust.

On the Bill to remove doubts with regard to the jurisdiction of the Financial Commissioner of Oudh—The Hon'ble Messrs. Harington, Maine, Anderson, Taylor, Muir, and Cust.

The Council then adjourned.

WHITLEY STOKES,

*Offg. Asst. Secy. to the Govt. of India,*

*Home Dept. (Legislative).*

CALCUTTA,  
The 3rd February 1865. }

## HOME DEPARTMENT.

### Indo-European Telegraph Department.

From Lieut. Colonel W. F. MARRIOTT, Secy. to the Govt. of Bombay, to the Secy. to the Govt. of India, Home Dept., dated the 24th January 1865.

I am directed to submit to the Government of India the accompanying copy of a letter from the Director, Mekran Coast and Sub-marine Telegraph, No. 6, dated 3rd instant, reporting on the working of the Indo-European Telegraph, with reference to a representation by the Chamber of Commerce of the imperfect arrangements for the opening of communication between India and England.

From H. I. WALTON, Esq., Director, Mekran Coast and Sub-marine Telegraph, to the Secy. to Govt. of Bombay,—dated Kurrachee, the 3rd January 1865.

I have the honor to acknowledge receipt of Government Resolution in this Department, No. 290, dated 16th ultimo, desiring me to report particularly my present experience of the working of the telegraph, and with reference to an expression of regret by the Chamber of Commerce at Bombay that the arrangement for the opening of communication between India and England is still imperfect.

2. I would preface this report by recalling to your notice that the line of telegraph was completed between Kurrachee and London in September last, except over a space of some thirty miles of disputed territory forming the Turco-Persian frontier between Bagdad and Kermanshah, and over which break Major Champain reported to Government at the time that he could arrange a system of mounted kossids to carry the messages in four or five hours. I had previously despatched to Major Champain, by Colonel Stewart's instructions, the signallers to work the English line through Persia, and everything promised fair for the immediate opening of communication, at any rate as far as Bagdad via Teheran. At the same time, there was, and still is, a line actually completed to London via Teheran

and St. Petersburg. Suddenly, however, and without any previous intimation of their intentions, the Persians, on the 8th October last, stopped all communication beyond Bushire by cutting the wires; full particulars regarding this obstructive proceeding on the part of the Persians are, doubtless, in the hands of Government. The Persian line still continues closed, and I am informed that it may remain so for an indefinite period.

3. The direct line of telegraph, however, passes through Busrah, and near the banks of the Tigris to Bagdad. Over this section, which is in the hands of the Turkish Government, Colonel Kemball is personally urging on the work, and he informs me that it will probably be completed in four or five weeks.

4. The Convention which was signed at Constantinople on the 3rd September last, and which, by Article XVI, 'is to come into operation as soon as the sub-marine cable shall be in communication with the land lines of Turkey and India,' stipulates in Article VI that, 'in order to ensure promptitude in the Indo-European correspondence, and its regular transmission and receipt, the Ottoman Government will not fail to establish a permanent service at Bagdad and Fao, as well as at the majority of stations on the main line of Asia between Constantinople and Fao, and to appoint thereto a staff possessing a knowledge of the English language sufficient for the perfect performance of that important service.' Moreover, the Ottoman Government, being desirous that the expeditious transit of the Indo-European messages over its territory should be rendered still more satisfactory, engages to establish at Constantinople an Office of transmission devoted exclusively to the service of messages to and from India. Its Officers, and especially the Station-master, shall be selected from amongst those of the Ottoman Telegraph Officials who are thoroughly conversant with the English language.'

5. And Article VII declares that 'the Ottoman Government will take the necessary measures to ensure that one wire of the main line from Constantinople to Fao shall be always exclusively devoted to Indo-European messages.'

6. The sub-marine cable connected the land lines of India with those of Turkey in May last, but, to this day, the Turkish Government have not established the service for the transmission of messages in English. Had they done so, Colonel Kemball was prepared to establish, and for a short time actually did arrange, a kossid service between Busrah and Bagdad, which would have occupied only four days in transit, which, allowing another day for transit over the working sections of the telegraph, would bring Kurrachee within five days' communication with London. The kossid service was, however, soon abandoned, as no messages offered on either side; but in November, on receiving a copy of the Convention of 3rd September, and finding that the merchants in India were willing to risk sending messages through Turkey, I addressed Mr. Johnston, the Vice Consul at Busrah, as to the expediency of re-establishing the kossid service. His reply, as follows, dated 17th November, fully explains the inutility of such an arrangement :—'As there is nobody at Bagdad to translate private messages into Turkish, and nobody to translate into English at Constanti-

nople, and as messages so translated and retranslated are generally unintelligible to the receivers, I think the kossid service you propose would be useless. I hear the Clerks for our work have left Constantinople.' On the 31st December last, Mr. Johnstone telegraphs—'about a month ago arrival of signallers at Diarbekir was reported, but I have since heard nothing of them.'

7. The Mesopotamian line will be completed immediately, but even then I do not see that any measures have been adopted with a view to render it of any service for the transmission of messages in English. The one signaller sent to Fao by the Turkish Government, and to whom we are expected to make over our messages, is not only entirely unacquainted with any European language, but has only a limited knowledge of the manipulation of the instruments.

8. Not having received any communication from Colonel Stewart since he left India, I am unable to state what arrangements have been made by him at Constantinople, or how far the Ottoman Government are likely eventually to fulfil their engagements, as it will be observed that in Article VI, quoted above, no definite time is specified as to when they will perform the promises contained therein.

9. I trust it will be seen from the above that I possess no means of forming any approximate conclusion as to the opening of the through line, the obstacles being entirely of a political nature, over which Telegraph Officials have no control.

## PUBLIC WORKS DEPARTMENT.

## Railway Traffic Returns, Punjab.

*Abstract of Comparative Returns of Traffic on the Punjab Railway. In continuation of Abstract published in Supplement to the Gazette of India dated 26th November 1864.*

Week ending.	Mileage open.	RECEIPTS IN	
		1864.	1863.
		Rs.	Rs.
2nd October (two days ending) ...	45	1,006	707
9th Ditto ...	"	3,392	2,833
16th Ditto ...	"	5,078	3,152
23rd Ditto ...	"	7,156	3,324
30th Ditto ...	"	4,917	3,270
6th November ...	"	4,143	3,149
13th Ditto ...	"	3,166	4,563
20th Ditto ...	"	2,918	3,000
27th Ditto ...	"	2,485	3,418
4th December ...	"	4,120	3,134
11th Ditto ...	"	2,818	3,724
18th Ditto ...	"	2,561	2,848
25th Ditto ...	"	2,649	3,183
31st Ditto ...	"	6,679	2,070
Total ...	...	53,088	42,465
Average, Weekly ...	...	4,084	3,266

## Platelaying in the Punjab Railway.

## Progress Report of Platelaying for the month ending October 1864.

Miles.	Chains.		Platelaying required.	PREVIOUSLY		THIS MONTH		TOTAL		REMARKS.
				Linked in.	Completed.	Linked in.	Completed.	Linked in.	Completed.	
DISTRICT No. 1.										
			M. C.							
From	72	Main Line at Lahore Station	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
To	31 65	Umritsar Station ... ..								
DISTRICT No. 2.										
From	72	Main Line at Lahore Station	53 8	54 8 0	54 8 0	.....	.....	54 8 0	54 8 0	
To	54	.. towards Mooltan								
DISTRICT No. 3.										
From	54	Main Line ... ..	56 0	19 0 0	0 4 0	12 0 0	.....	31 0 0	0 4 0	
To	110	.. towards Mooltan								
DISTRICT No. 4.										
From	110	Main Line ... ..	56 0	56 0 0	.....	.....	.....	56 0 0	....	
To	166	.. towards Mooltan								
DISTRICT No. 5.										
From	166	Main Line ... ..	54 30	54 50 0	50 30 0	.....	.....	54 50 0	50 30 0	
To	220 30	Sher Shah Terminus, 11½ miles beyond Mooltan Station.								
Total for Main Line				250 31	214 51 0	135 35 0	12 0 0	226 51 0	135 35 0	
Station Yards and Sidings				30 67	17 12 8	12 6 98	.....	17 12 8	12 6 98	
Total				281 18	231 63 8	147 41 98	12 0 0	243 63 8	147 41 98	

LAHORE,  
3rd January 1865.

\* See March Return.

(Signed) J. HARRISON,  
Chief Engineer.



Despatch No. 54 of 1864.

OFFICE DES DOUANES MARITIMES,

FOOCHOW, le 4 Octobre 1864.

MONSIEUR,—J'ai l'honneur de vous accuser réception de votre dépêche No. 20, datée de Péking, 9 Août, 1864, et par laquelle vous me demandez une réponse à vos circulaire Nos. 2 et 5, du 17 Février et du 16 Mars de cette année.

En ce qui concerne la première de ces circulaires, je me bornerai à vous dire, Monsieur, que la consommation de l'Opium dans cette province est exclusivement concentrée sur l'Opium étranger, que pour la première fois en 1861 une caisse d'Opium indigène a été importée de Hankow dans le Fokien, et que cet essai, n'ayant pas réussi, n'a jamais été renouvelé.

\* \* \* \* \*

Agréez, Monsieur, &amp;c.,

(Signé) BARON DE MERITENS,

Commissaire des douanes.

Monsieur ROBERT HART,

Inspecteur Général

Des Douanes Maritimes.

Despatch No. 7 of 1864.

OFFICE OF MARITIME CUSTOMS,

AMOI, 16th March 1864.

SIR,—In reply to questions 1 to 6 on the subject of Native Opium, contained in Circular No. 2 of 1864, I have the honor to state that,—

1st.—Native Opium has been in use at Amoy during the year 1863; and that

2nd.—About 500 piculs have been disposed of in that period at a

3rd.—Price varying from \$400 to 480 per picul, which, as compared with the price of Foreign Opium, is nearly one-half less.

4th.—It is grown and prepared chiefly at Tung-ngan in the province of Fokien, 20 miles distant from Amoy.

5th.—In the year 1863, about 100 piculs are stated to have been exported to Formosa; 100 piculs to Ankoi, Chang-chew, and Chin-chew; 100 piculs to Tien-tsin.

6th.—The consumption of Native Opium in and around Amoy, say 200 piculs per annum, has in no perceptible degree diminished the demand for Foreign drug here; neither has it, so far as I can ascertain, at those marts supplied from Amoy.

Native Opium is not permitted to be grown in the immediate vicinity of Amoy; Tung-ngan is a turbulent district over which the authorities have but little control. The Opium is sold by the grower in a prepared state, but it is of an inferior quality and is only used by the poorer classes, and is even then frequently mixed with the Foreign drug.

The Le-kin tax when levied is about two mace per catty; but this charge and the export duty are usually evaded by smuggling—no Native Opium has been passed through this Custom-house.

Although, as stated, its production has not yet perceptibly diminished the demand for Foreign drug, still, ultimately, it must affect the market, as its production has increased from about 50 piculs in 1861 to 500 piculs in 1863 nearly one-sixth

of the amount of Foreign Opium, 3,350 piculs, imported in that year.

I have, &amp;c.,

(Signed) GEO. HUGHES,

Commr.

ROBERT HART, Esq.,

Inspector General, Maritime Customs,  
Shanghai.

Despatch No. 15 of 1864.

OFFICE OF MARITIME CUSTOMS,

SWATOW, 4th April 1864.

SIR,—In accordance with your Circular No. 2 of 1864, making enquiries as "to what extent the sale of Native Opium has interfered during the past year with that of Foreign drug in China, I have the honor to answer the queries."—

1st.—Has Native Opium been in use at your port during the year?—*It has not.*

2nd.—What quantity has been disposed of during the year?—*None.*

3rd.—What has been the price as compared with that of Foreign drug?—*There being no sale, no comparison as to price can be made.*

4th.—From what province has it come?

5th. Has any, and if so, what quantity, been exported from your port during the year?—*None.*

6th.—Has the appearance of Native Opium in the market diminished the demand for Foreign drug, either at your port or at marts supplied from your port?—*It has not.*

And so far, from enquiries made, it would seem that the use of Native drug is hardly known in this section.

I have, &amp;c.,

(Signed) H. D. WILLIAMS,

Actg. Commr. of Customs.

ROBERT HART, Esq.,

Inspector General, Shanghai.

Despatch No. 22 of 1864.

OFFICE OF MARITIME CUSTOMS,

CANTON, 27th April 1864.

SIR,—In your Circular No. 2, dated Shanghai, 17th February last, you have informed me that you are anxious to learn to what extent the sale of Native Opium has interfered, during the last twelve months, with that of Foreign drug in China, and have instructed me to make such enquiries, both among Chinese and Foreign dealers at this port, as shall enable me to report to yourself on the subject.

In pursuance of these instructions, I have for some time past been engaged in making enquiries on this subject, and in collecting information from various sources, the results of which I have now the honor to lay before you, but, in doing so, I would beg to remark that in consequence of there being no Foreign dealers in Opium at this port, I have been compelled to rely upon the Chinese dealers for information, and that this has been of so conflicting a character as to make it difficult to arrive at a very satisfactory conclusion.

The contradictory statements I have received, I believe, however, to have arisen, in a great measure, from the unwillingness of the Chinese dealers to

furnish information on the subject, but the following particulars obtained from the more reliable sources, and forming a digest of the information I have arrived at after careful investigation and enquiry, will, I think, be found tolerably correct.

In pursuance of your instructions, I shall first reply severally to the queries to which you have particularly called my attention, and afterwards state such additional information as I have been able to obtain.—

1st.—Native Opium has been in use at this port during 1863.

2nd.—About fifteen thousand piculs have been disposed of during the year.

3rd.—The average price of Native Opium during the past year has been from \$380 to 460 Mexican Dollars per picul, while that of Foreign drug, during the same period, has averaged, say for Malwa Opium, about \$670, and for Patna Opium \$530 Mexican Dollars per picul.

4th.—Native Opium has come principally from the provinces of Yun-nan, also from those of Kwei-chow and Sze-chuen in about the following proportions, viz. :—

From Yun-nan about 800 piculs.

„ Kwei-chow „ 400 „

„ Sze-chuen „ 200 „

whilst in this province, Kwang-tung, probably about one hundred piculs have been produced.

5th.—There has been no Native Opium exported from Canton during the past year, as far as can be ascertained.

6th.—The appearance of Native Opium in the market has not, so far as can be ascertained, diminished the demand for Foreign drug, either at this port or at marts supplied from this port.

By far the greater portion of Native Opium imported has come from Yun-nan, hence the general name given to it is Yun-nan Pei or Yun-nan Too.

The principal markets in Kwang-tung are :—

Fo-shan (Fat-shan).

Shu-hing (Chao-chin).

Hsing-ngan (Hsi-nan),

and Canton : the most important being at Fo-shan, and known as the Yunkwei-hong.

It is sold by the dealers importing it, and the greater portion is then mixed with Malwa Opium (in the proportion of about one-fifth Native

to four-fifths Malwa), and is sent principally to the inland markets of Woo-chow-foo and Kwei-lin in the province of Kwan-si.

Native Opium is generally imported into this (the Kwang-tung) province in cakes weighing one hundred taels, and is subject, on its arrival at the north-west barrier of Shaou-kwan, to an import duty of nine mace, and to a Chow-le or War tax of three hundred and fifty Copper Cash for one hundred taels weight. On being brought into Canton, it further pays five candareens to the Kwang-chow-foo Office for the same weight.

Its use in this province and city is not general, probably five per cent. of Opium smokers use it in mixture with Malwa Opium, but this, not from a preference to Foreign drug, but on account of its less astringent qualities. Of the Native Opium imported, little is used in its pure state, (probably one-fifth,) and it is disliked by Opium smokers on account of its "grassy" taste, which, however, is said to be less perceptible than in former years, as attention has been given to the subject.

The reason that so much mixed Native and Malwa Opium is sent to Kwangsi, appears to be that it is there sold as Foreign drug, and thus affords a larger profit to the dealer. It is confidently stated that, although the import of Native Opium has increased and is likely to do so, it is not likely to diminish the demand for Foreign drug, and this is accounted for by the alleged increase of Opium smoking in the south of China.

As regards the cultivation of the poppy in this province (Kwang-tung), it has been carried on to a small extent in the districts of Lo-ting, Hoshan, Hsing-ngan, Shu-hing, Sin-ning, and Kaou-yaou, but it is said to little advantage, as the soil and climate are not considered favorable. It is, however, also stated that owing to the suppression of the Hak-ka disturbances, a large quantity will be grown during the present year. The price of Native Opium rises and falls with that of Foreign drug.

There are said to be restrictions peculiarly unfavorable to its export from Canton.

As the above particulars constitute all the information I have been able to obtain on the subject, I trust the present report will prove tolerably satisfactory to you. I have, &c.,

(Signed) T. G. LUSON,

*Asst. in Charge.*

ROBERT HART, Esq.,

*Inspector General of*

*Chinese Maritime Customs.*

Government of Madras.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 31st December 1864.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.				REMARKS.
				s.	d.	s.	d.	
1	C. Succirubra ...	Red Bark ...	1,38,119	2	6	to	8 9	The number of plants permanently planted out in the plantations remain the same as last month, namely, 1,65,351.
2	C. Calisaya ...	Yellow Bark ...	2,560	2	10	to	7 0	
3	C. Officinalis	Original Loxa Bark	2,705	2	10	to	7 0	
	Var Condamenia (C. Uritusinga) Ditto.							
4	Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	3,24,276	2	10	to	7 0	The increase by propagation is 24,006, being 3,024 plants above the average of the last six months, making the total number of plants at the end of the month 4,99,452.
5	C. Crespilla ...	Fine Crown Bark ...	2,367	2	10	to	6 0	
6	C. Lancifolia ...	Pitayo Bark ...	28	1	8	to	2 10	
7	C. Nitida ...	Genuine Grey Bark	8,500	1	8	to	2 9	
8	C. Species without name	Fine Grey Bark ...	2,786	1	8	to	2 10	
9	C. Micrantha ...	Grey Bark ...	14,314	1	8	to	2 9	
10	C. Peruviana ...	Finest Grey Bark...	3,372	1	8	to	2 10	
11	O. Pahudiana ...	Unknown ...	425	Worthless.				
Total number of plants ...			4,99,452					

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation, at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 30th Nov. 1864.	Height in inches on the 31st Dec. 1864.	Growth in inches during 1864.	By whom planted.
1	23	111	112	1	His Excellency Sir W. Denison.
2	16½	103½	101	½	
3	19	104½	104½	½	
4	15	98½	98½	½	
5	27	117	117	0	
6	20	88	89	1	
7	20	107½	107½	½	J. W. Breeks, Esq.
8	18	109	109	0	Dr. Sanderson.
9	20	111½	111½	0	J. D. Sim, Esq.
10	20	112½	113	½	Lieutenant McLeod.
11	18	98	98½	½	P. Grant, Esq.
12	...	52	53	1	Plant cut down for bark.

Table II. exhibits the growth of eleven plants of Cinchona Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is ¼ inch, being 2 inches under the growth of last month.

One of the two plants cut down on the 20th of March 1863, for the bark submitted to Mr. Howard for analysis, has made strong shoots of 53 inches in height, giving the growth of one inch during the month.

TABLE III.

Showing the height of twelve Plants of *C. Officinalis* planted on the Dodabetta Plantation at Ootacamund on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 30th Nov. 1864.	Height in inches on the 31st Dec. 1864.	Growth in inches during Dec. 1864.
1	19	65	67½	2½
2	14½	55½	58½	3
3	28	70	78	8
4	22	72	75	3
5	21½	66½	69	2½
6	28	73	76	3
7	22½	65	68	3
8	21½	65½	68	2½
9	21½	72½	75	2½
10	19½	68	71½	3½
11	24	69½	72½	3
12	24	69	71½	2½

The twelve plants of *Cinchona Officinalis* (a shrubby species) on the Dodabetta Plantation gives an average growth of 2½ inches, or ⅙ of an inch below the growth of last month.

The number of plants issued to the public is 200, making the total number of plants distributed 52,357.

OOTACAMUND, }  
12th January 1865. }

(Signed) W. G. McIVOR,  
Supdt., Govt. Cinchona Plantations.



*Progress Report of Platelaying for the month of November 1864.*

	Miles	Chains		Platelaying required.	PREVIOUSLY		THIS MONTH		TOTAL		REMARKS.
					Linked in.	Completed.	Linked in.	Completed.	Linked in.	Completed.	
DISTRICT No. 1.											
From	72		Main Line at Lahore Station	M. C.							
To	31	65	Umritsar Station ...	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
DISTRICT No. 2.											
From	72		Main Line at Lahore Station								
To	54		„ towards Mooltan	53 8	54 8 0	54 8 0	.....	.....	54 8 0	54 8 0	
DISTRICT No. 3.											
From	54		Main Line ...								
To	110		„ towards Mooltan	56 0	31 0 0	0 4 0	13 0 0	.....	44 0 0	0 4 0	
DISTRICT No. 4.											
From	110		Main Line ...								
To	166		„ towards Mooltan	56 0	56 0 0	.....	.....	22 0 0	56 0 0	22 0 0	
DISTRICT No. 5.											
From	166		Main Line ...								
To	220	30	Sher Shah Terminus, 11½ miles beyond Mooltan Station...	54 30	54 50 0	54 30 0	.....	.....	54 50 0	50 30 0	
Total for Main Line				250 31	226 51 0	135 35 0	13 0 0	22 0 0	239 51 0	157 35 0	
Station Yards and Sidings				30 67	17 12 8	12 6 98	0 30 0	.....	17 42 8	12 6 98	
Total				281 18	243 63 8	147 41 98	13 30 0	22 0 0	257 13 8	169 41 98	

LAHORE,  
6th January 1865.

• See March Return.

(Signed)

J. HARRISON,  
Chief Engineer.

## FINANCIAL DEPARTMENT.

## Reports addressed to the Inspector General of Customs, Shanghai, relative to Native Opium.

The Inspector General has directed the publication of Circular No. 2 of 1864, calling for reports on the production and consumption of Native Opium, and of the Official Communications received in reply from the Commissioners of Customs at the Treaty Ports.

Statistics, at once reliable and exact, are not easily attainable; nor is it supposed that the appended reports are, in every particular, both correct and exhaustive. The subject to which they relate is, however, one of considerable interest, and it is thought that the information respecting it, brought together in the following pages, will not prove unacceptable to the Mercantile Communities in China.

By Order,

J. ALEX. MAN,  
Secretary.INSPECTORATE GENERAL OF  
CHINESE MARITIME CUSTOMS,  
SHANGHAI, 21st November 1864.

## Circular No. 2 of 1864.

INSPECTOR GENERAL'S OFFICE,  
SHANGHAI, 17th February 1864.

SIR,—I am anxious to learn to what extent the sale of Native Opium has interfered during the last twelve months with that of Foreign drug in China; I have therefore to instruct you to make such enquiries, both among Chinese and Foreign dealers, as shall enable you to report to me on this subject. The queries to which I have particularly to call your attention are the following:—

- 1st.—Has Native Opium been in use at your port during 1863?
- 2nd.—What quantity has been disposed of during the year?
- 3rd.—What has been the price as compared with that of Foreign drug?
- 4th.—From what province has it come?
- 5th.—Has any, and if so, what quantity, been exported from your port during the year?
- 6th.—Has the appearance of Native Opium in the market diminished the demand for Foreign drug, either at your port or at marts supplied from your port?

Any information, in addition to replies to these queries, that you can obtain, you will please

forward, and you will endeavour to make your report as intelligible and comprehensive as you possibly can.

I am, &c.,

(Signed) ROBERT HART,  
Inspector General.

THE COMMISSIONERS OF CUSTOMS,

Newchwang, Tien-tsin, Chefoo, Hankow,  
Kiukiang, Chinkiang, Shanghai, Ningpoo,  
Foochow, Amoy, Swatow, and Canton.

Despatch No. 2 of 1864.

OFFICE OF MARITIME CUSTOMS,

YING TSZ, OR NEWCHWANG, 20th April 1864.

SIR,—The queries relative to Native Opium in your Circular No. 2, 1864, may be replied to as follows:—

- No. 1.—Native Opium has not been in use at this port during 1863.
- No. 2.—No sale during 1863. In 1861, about eight piculs were sold at 300 taels per picul.
- No. 3.—When sold, the price averages one-half that of Foreign drug, say, 300 taels per picul.
- No. 4.—Comes from Shan-si and Sz-chuen. About 200 piculs yearly reach Mougdien by land, where it is used for mixing with Foreign Opium in equal proportions.
- No. 5.—None has been exported during the past year.
- No. 6.—Native Opium has not diminished the demand for Foreign drug, and does not appear to exercise any influence upon it. It is probable it may itself suffer from the import of its rival.

I have, &c.,

(Signed) JAS. MACKEY,  
Commr. of Customs.

ROBERT HART, Esq.,

Inspector General of  
Maritime Customs, Shanghai.

1 Picul = 133½ lbs.

1 Tael = 6-8d. sterling.

Despatch No. 5 of 1864.

THE OFFICE OF MARITIME CUSTOMS,  
TIEN-TSIN, 26th March 1864.

SIR,—In reply to your Circular No. 2 of 1864, I beg to inform you that I have made every enquiry on the subject of Native Opium, and have gathered the following information:—

- 1st.—Native Opium in Tien-tsin is not widely used, the consumers being principally of the lower class.
- 2nd.—The quantity actually disposed of during the year 1863, I find it next to impossible to ascertain with any degree of certainty.
- 3rd.—The price of the drug has averaged about 500 taels.
- 4th.—It comes principally from the province of Shan-si, but 14 chests were imported from Shanghai last year.
- 5th.—None has been exported.
- 6th.—Native drug is not supposed to affect the Foreign import market at all, but purchasers are careful in buying, as dealers are in the

habit of mixing the two drugs. It is said 600 chests at 500 taels were consumed last year, but that portion of the information seems somewhat uncertain.

I have, &c.,

(Signed) W. BAKER,  
Asst. in Charge.

THE INSPECTOR GENERAL,

Shanghai.

Despatch No. 9 of 1864.

CHEEFOO, 8th March 1864.

SIR,—In reply to the questions asked in your Circular No. 2 of 1864, on the subject of Native Opium, I have the honor to inform you that the result of my enquiries is, that the consumption of that article at this place during the past year has been so small that it may be returned as nil. Such small quantity, however, as has been consumed has been of a drug sold at 300 taels per picul. It has not influenced the sale of Foreign Opium in the slightest degree. It is brought here from Shen-si, Shan-si, and Yun-nan, and is, I understand, largely consumed in Tsi-nan-foo and other marts north of this, which marts are supplied from Tien-tsin.

I have, &c.,

(Signed) C. HANNEN,  
Commr. of Customs.

ROBERT HART, Esq.,

Inspector General of Maritime Customs.

Despatch No. 8 of 1864.

OFFICE OF CUSTOMS,

HANKOW, 16th March 1864.

SIR,—I beg to lay before you the result of the enquiries which I have made regarding the trade in, and consumption of Native Opium at this port, in accordance with the instructions contained in your Circular No. 2 of 1864.

Before the year 1860, the Native Opium consumed at Hankow was produced in the province of Shan-si, but towards the end of 1859, the disturbances in the south-east of that province interrupted the communication between it and Hu-pei to such an extent, that the supply of Shan-si Opium entirely ceased, and since this period Hankow has been provided with Native drug, exclusively by the provinces of Sz-chuen and Hunan.

The consumption of Native Opium, however, at once decreased on Hankow being opened to Foreign trade.

This decrease is owing, in the first place, to the reduction in the price of Foreign Opium, which was the result of the greater facilities for transporting it from the port of import to Hankow, created by the opening of the Yang-tze; and, in the second place, to the increase in the price of Native Opium, which ensued on the ravages committed in the poppy fields of Sz-chuen, by the rebel bands which infested that province.

Native Opium is about 30 per cent. cheaper than Foreign Opium, but this difference in price is compensated for by the greater strength of Foreign Opium, which enables an Opium smoker to

satisfy himself with a smaller quantity of Foreign than of Native Opium.

Opium dealers state that 2,000 piculs of Sze-chuen and Hu-nan Opium were brought to Hankow in 1860, but of this quantity a considerable portion was doubtless re-shipped to Kiukiang and other ports down the river. In 1861 the supply was reduced to 1,500 piculs, whilst in 1862, only 800 piculs, and in 1863, only 500 piculs reached Hankow.

On the other hand, Opium dealers are almost unanimous in stating that in 1860, Foreign drug, or, as they call it, Canton drug was almost unknown in Hankow, and that during this and preceding years, but a "few tens" of piculs annually made their appearance in the Hankow market.

In 1861, 250 piculs of Foreign Opium were imported. In 1862, an enormous increase took place, as Opium dealers inform me that the quantity imported must have amounted to 2,000 piculs.

In 1863, 1,465 piculs 60 catties were imported.

This decrease in the quantity of Foreign Opium imported in 1863, is owing—the Native dealers explain to me—to the fact that in 1862, the occupation by the Nien-fei of Shu-chou compelled the inhabitants of a large portion of the province of Ngan-hui to provide themselves with drug at Hankow, whilst the recapture of that city now enables them to draw their supplies from Yang-chou and Sin-niu-miao.

Malwa is the principal Foreign Opium imported; of the 1,466 piculs 60 catties Foreign Opium imported last year, 1,424 piculs were of Malwa.

The quantity of Native Opium exported is now very inconsiderable, only 43 piculs were exported during 1863.

I am, &c.,

(Signed) A. MACPHERSON,  
Acting Commissioner of Customs.

ROBERT HART, Esq.,

Inspector General, Imperial Maritime Customs,  
Shanghai.

Despatch No. 7 of 1864.

OFFICE OF MARITIME CUSTOMS,  
KIUKIANG, 17th March 1864.

SIR,—I have made enquiries of both Native and Foreign merchants, as your request in your Circular No. 2 of 1864, in relation to the sale of Native Opium, and find that it is not sold, or used, at this port.

There is a small quantity raised in the district of Kan-chau in this province, but it is all consumed at or near the place where it is raised, not any of it is brought to market. The quality is very inferior; its estimated value is 200 taels per picul, while that of the Foreign drug is 570 taels per picul.

The production is estimated at 200 piculs for the last year, but its production depends upon the return of other crops; if plentiful, and the capital can be spared to do so, they raise a small quantity for their own consumption.

Its production in the district does not affect at all the sale of Foreign drug.

I have, &c.,

(Signed) J. L. HAMMOND,  
Assistant in Charge.

ROBERT HART, Esq.,

Inspector General, &c., &c.

Despatch No. 27 of 1864.

OFFICE OF MARITIME CUSTOMS,  
CHINKIANG, 12th September 1864.

SIR,—In reply to your Circular despatch No. 2, of 17th February 1864, I have the honor to submit the following answers (deduced from careful and extensive enquiries made of both Chinese and Foreign dealers) to your queries respecting the trade in Native Opium at this port:—

1st.—Native Opium may be considered as not in use at this port.

2nd.—The import estimate is about 12 piculs per annum intended for re-exportation.

3rd.—The price is about three-fifths of the Foreign drug; say 300 taels against 500 taels.

4th.—Is imported from the province of Yun-nan.

5th.—About 12 piculs re-exported principally to a city called———\*

6th.—The market here for Foreign Opium does not appear to be diminished or in any material way affected by the introduction of the Native drug.

I am, &c.,

CHAS. A. LORD,  
Acting Commissioner of Customs.  
per A. J. CAMPBELL,  
Assistant.

ROBERT HART, Esq.,

Inspector General, I. M. Customs,  
Pekin.

Despatch No. 8 of 1864.

OFFICE OF MARITIME CUSTOMS,  
SHANGHAI, 16th March 1864.

SIR,—In reply to your Circular No. 2 of the 17th February, (which I received on the 24th) calling for information respecting the use of Native Opium at this port, I beg to state—

1st & 2nd.—That the quantity of Native Opium disposed of at this port during 1863 is estimated at about 500 piculs.

3rd.—That its average price has been 375 taels per picul, while that of Foreign Opium has been for Malwa 530 taels, and for Patna 500 taels.

4th.—That the Native Opium imported into this place has been brought from two places, viz., Hankow in Hu-pei, and Ching-chiang-fu in Gan-hwei. The Opium brought from the former place has been produced chiefly in Sze-chuen, and the amount brought in Foreign Steamers, according to the Returns of this Office, was 43 piculs; the Opium brought from the latter place has, probably,

\* In Chinese characters

been produced in Ho-nan and Shan-si, but I can get no accurate information concerning the provinces from which it originally comes, or the quantity of it brought, to this place. It is imported in small quantities in Native crafts.

5th.—That during last year, 14 piculs and 63 cattles Native Opium, which had been imported from Hankow were re-exported to Tien-tsin, and 3 piculs and 12 cattles, prepared Native Opium, were exported to the same place in Foreign vessels.

6th.—That the appearance of Native Opium in the market has not, to any perceptible extent, affected the demand for Foreign drug, either here, or, so far as I can ascertain, in the neighbourhood.

To the above answers to the questions contained in your Circular, I beg to add the following remarks.

The provinces spoken of by the Chinese as being the principal Opium-producing ones are—Szechuen, Kan-suh, Shen-si, Shan-si, Ho-nan, Shan-tung, Kiang-si, Yun-nan, and Kwei-chow.

The cultivation of the poppy is said to have been recently commenced in the districts of Hiangshan, Shun-toh, and Tung-kwan in Kwang-tung, and in Tai-chow in Che-kiang. In the provinces of Chi-li, Hu-pei, Hu-nan, Gan-hui, Kiang-su, Fuh-kien, and Kwang-si, the cultivation is probably known, but it is not, so far as I can ascertain, carried on to any remarkable extent.

The total quantity of Opium consumed here during last year is estimated at 20,000 piculs, of which amount, Native Opium contributed, as I have already stated, about 500 piculs.

Native Opium is much inferior in flavor to the Foreign drug. It is smoked by people who are too poor to buy the latter, with which, again, it is mixed in order to suit the circumstances of people who are a little better off; but Foreign Opium is used by all the smokers who can afford to buy it. So long as the present great difference in quality between the Native and Foreign articles continues to exist, I do not think that the sale of the former will interfere much with that of the latter.

I am, &c.,

(Signed) T. DICK,

Commr. of Customs.

ROBERT HART, Esq.,

Inspector General of Chinese Maritime Customs.

Despatch No. 7 of 1864.

OFFICE OF MARITIME CUSTOMS,

NINGPO, 23rd March 1864.

SIR,—I beg to acknowledge the receipt of your Circular despatch No. 2 of the 17th February, calling for a report of the extent to which the sale of Native Opium has interfered, during the last twelve months, with that of the Foreign drug in China.

In reply I have to submit the following answers to your queries, numbered 1 to 6 consecutively:—

1st, 2nd, 3rd, and 4th.—No Native Opium has been in use at this port during the year 1863.

5th.—There has been no export of the drug from Ningpo.

6th.—Regarding this enquiry, I would remark that the presence of Native Opium, in the south of the Che-kiang province, has materially affected the quantity of the Foreign drug sold at Ningpo for marts in that part of the country. I am informed by one merchant (as his opinion,) to the number of a monthly average of 15\* to 20 chests. It is prepared from the juice of the red poppy grown in the hilly country to the south of this port, in the prefecture of Tai-chow, also at Lih-kiang, and other islands of the Chusan group. Moreover, it is grown at Tien-tung to a very little extent, but with trepidation; and, indeed, at most places situated too close to the abode of the higher local officials, it is never seen by the observer.

The quantity of the article produced in Che-kiang,—into which there is no importation from other provinces,—cannot be ascertained even from Chinese sources, and the price is said to be about one half that of the Foreign drug. But it is asserted the further distant from the depôts of the latter description of Opium, the greater is the increase in the value of the Native supplies. Hence, or principally on that account, no such supplies are brought here, either for sale or use. Neither in the districts, where Native Opium is consumed, is the Foreign commodity bought, or used, by the people.

The smokers of Native Opium describe it as having an insipid taste, and as losing much weight during the boiling process of its preparation for the pipe. The poppy grows to a height of six and seven feet with a large head; and the juice is obtained by making three or four delicate incisions upwards, on each head, allowing the piece of cut skin to overlap the wound, and, early every morning, is collected by scraping it, in its exuded state, off the plant with a blunt piece of bamboo. I have not been able to ascertain the yield of a field of poppies per mow; in the producing districts, it is the only spring crop, to the exclusion of pulses before grown, and is found to be the most profitable investment to the cultivator.

The growers are improving the quality of the drug by keeping the first yield separate from the last, yet, as with their vegetables, they look to quantity not to quality, and if they would manure the land less heavily, a more beneficial result would ensue from the change.

The principal class of Foreign drug sold here is "Malwa;" the importation of Patna is a rarity. The consumption of both classes at Ningpo and marts supplied by it, amounted to more than 3,000 chests, or piculs, during one year in the time of H. E. Chang, Taotae; whereas during the past year it has not been half that quantity. However as soon as the prefectures of Hang-chow, Chin-hsing, and Hoo-chow, are recaptured from the rebels, it is confidently anticipated that the traffic will receive a great impetus.

I have, &c.,

(Signed) JAMES BROWN,

Asst. in Charge.

ROBERT HART, Esq.,

Inspector General, Shanghai.





# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 18, 1865.

Home Department.

## LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th February 1865, and is hereby promulgated for general information:—

Act No. II of 1865.

*An Act to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere.*

Whereas it is expedient to provide for the better maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere; It is enacted as follows:—

1. In this Act the singular number includes the plural, and the plural number includes the singular.  
"Number."
2. The proprietor of any estate situated in any District to which the provisions of this Act may be extended, shall have authority to assess and collect, for the purposes of this Act, a sum not exceeding one rupee per annum from the occupant of every house upon such estate. It shall be competent to the Collector of the District acting under the orders of the local Government to determine what buildings shall be held to be a separate house for the purposes of this Act.  
Proprietors of estates in districts affected by this Act may assess and collect house tax.
3. The sum so assessed shall be held to fall due, in advance for the coming Revenue year, with the first instalment of agricultural rents payable in the vicinity in that year, and may be realized under the law for the time being in force in such vicinity relating to the recovery of rent. Provided that no person shall be liable to be ousted from his house for non-payment of any assessment leviable under the last preceding Section. Complaints

against proprietors for unlawful collection of such assessments shall be treated as falling under Clause 8, Section 23, Act X of 1859.

4. Sections 12, 13, 14, and 15 of Regulation IX of 1838, shall be applicable to assessments under this Act.  
Regulation IX of 1838, Sections 12 to 15 to apply.

5. Any person assessed under Section 2 of this Act may, by petition on unstamped paper, complain to the Collector of the District against such assessment, on the ground of inability to pay the same; and the Collector shall be competent to abate, or wholly to remit, the assessment, if he shall be of opinion that the circumstances of the complainant render such abatement or remission proper.  
Persons assessed may petition against assessment, and Collector may abate or remit same.

6. It shall be lawful for the Collector or for any Officer making settlements of Land Revenue, to assess upon any estate, as aforesaid, a sum to be contributed yearly by the proprietor for the purposes of this Act, not exceeding the aggregate of the house assessments in any such estate, less ten per cent. Such assessment shall be over and above any Municipal cess or percentage levied on the Land Revenue for similar purposes.  
Collector may assess yearly contribution for purposes of this Act.

7. The sum so assessed shall, subject to the sanction of the local Government, be liable to be altered from time to time in conformity with the foregoing provisions.  
Such assessment may from time to time be altered.

8. The provisions of this Act shall be applicable to Maafee and Nuzerana Estates. Besides the assessments made by the Collector under Section 6 of this Act, it shall be lawful to levy upon the Maafee-dars, or (where a sub-settlement shall have been made) on the sub-proprietors, or on the Nuzeranadars, a Municipal cess not exceeding two rupees twelve annas per cent. of the jumma at which their estates would have been rated if not held under a Maafee or Nuzerana title.  
Act to apply to Maafee and Nuzerana Estates.

**9.** The local Government may determine by what instalments and at what times, the assessments payable under Sections 6 and 8 shall be paid. Any arrear of such assessments may be realized by the same processes and under the same rules as arrears of Land Revenue.

**10.** Assessments realized under this Act shall be appropriated, under the orders of the local Government, to the payment of the Village Police or to any other purpose connected therewith. Any surplus that may remain shall be at the disposal of the local Government for sanitary purposes or any other purpose of general improvement within the District in which the amount is collected.

**11.** Every proprietor or other person in whom the right of nomination of Village Watchmen is vested, shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of Watchman on his Estate; and the person so nominated shall after due enquiry be appointed or rejected by the Magistrate of the District at his discretion, or by any Officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy or of the rejection of a nominee, the proprietor or other person in whom the right of nomination is vested shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding Rupees fifty, and in default of payment to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate of the District shall proceed to appoint a person to the vacancy.

**12.** Any Village Watchman appointed under this Act may be required to perform, within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V of 1861; and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer subject to the provisions of such Act and guilty of neglect or disobedience, as the case may be.

**13.** The Lieutenant-Governor of the North-Western Provinces may extend the provisions of this Act to any part of the Territories within his jurisdiction. Provided that this Act shall have no operation in any village to which Act No. XX of 1856, or any other special Municipal Law shall have been extended, so long as such Act or Law shall continue in force in such village.

**14.** Subject to the proviso contained in the last preceding Section, the Governor-General of India in Council may extend the provisions of this Act to any Province under the immediate administration of the Government of India. Subject to the like proviso, the Lieutenant-Governor of the Punjab may also extend the provisions of this Act to any part of the Territories under his government.

**15.** From the date of any such extension, so much of any Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with or repugnant to this Act, shall cease to have effect in such Territories.

WHITLEY STOKES,

Offy. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 14th February 1865, and is hereby promulgated for general information:—

### ACT No. III of 1865.

#### *An Act relating to the rights and liabilities of Common Carriers.*

Whereas it is expedient not only to enable Common Carriers to limit their liability for loss of or damage to property delivered to them to be carried, but also to declare their liability for loss of or damage to such property occasioned by the negligence or criminal acts of themselves, their servants or agents; It is enacted as follows:—

#### Short Title.

**1.** This Act may be cited as "The Carriers' Act, 1865."

#### Interpretation Clause.

**2.** In this Act, unless there be something repugnant in the subject or context—

"Common Carrier" denotes a person, other than the Government, engaged in the business of transporting for hire property from place to place by land or inland navigation for all persons indiscriminately.

"Person" includes any association or body of persons, whether incorporated or not.

Words in the singular number include the plural, and words in the plural include the singular.

**3.** No Common Carrier shall be liable for the loss of or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act, unless the person delivering such property to be carried, or some person duly authorized in that behalf, shall have expressly declared to such Carrier or his agent the value and description thereof.

**4.** Every such Carrier may require payment for the risk undertaken in carrying property exceeding in value one hundred rupees and of the description aforesaid, at such rate of charge as he may fix: Provided that, to entitle such Carrier to payment at a rate higher than his ordinary rate of charge, he shall have caused to be

exhibited in the place where he carries on the business of receiving property to be carried, notice of the higher rate of charge required, printed or written in English and in the vernacular language of the country wherein he carries on such business.

**5. In case of the loss of or damage to property exceeding in value one hundred rupees and of the description aforesaid, delivered to such Carrier to be carried, when the value and description thereof shall have been declared and payment shall have been required in manner provided for by this Act, the person entitled to recover in respect of such loss or damage shall also be entitled to recover any money actually paid to such Carrier in consideration of such risk as aforesaid.**

The person entitled to recover in respect of property lost or damaged may also recover money paid for its carriage.

property exceeding in value one hundred rupees and of the description aforesaid, delivered to such Carrier to be carried, when the value and description thereof shall have been declared and payment shall have been required in manner provided for by this Act, the person entitled to recover in respect of such loss or damage shall also be entitled to recover any money actually paid to such Carrier in consideration of such risk as aforesaid.

**6. The liability of any Common Carrier for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any public notice; but any such Carrier, not being the owner of a railroad or tramroad constructed under the provisions of Act XXII of 1863 (to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken) may, by special contract, signed by the owner of such property so delivered as last aforesaid or by some person duly authorized in that behalf by such owner, limit his liability in respect of the same.**

In respect of what property liability of Carrier not limited or affected by public notice.

Carriers, with certain exceptions, may limit liability by special contract.

the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any public notice; but any such Carrier, not being the owner of a railroad or tramroad constructed under the provisions of Act XXII of 1863 (to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken) may, by special contract, signed by the owner of such property so delivered as last aforesaid or by some person duly authorized in that behalf by such owner, limit his liability in respect of the same.

**7. The liability of the owner of any railroad or tramroad constructed under the provisions of the said Act XXII of 1863, for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any special contract; but the owner of such railroad or tramroad shall be liable for the loss of or damage to property delivered to him to be carried only when such loss or damage shall have been caused by negligence or a criminal act on his part or on that of his agents or servants.**

Liability of owner of railroad or tramroad constructed under Act XXII of 1863, not limited by special contract.

In what case owner of railroad or tramroad answerable for loss or damage.

contract; but the owner of such railroad or tramroad shall be liable for the loss of or damage to property delivered to him to be carried only when such loss or damage shall have been caused by negligence or a criminal act on his part or on that of his agents or servants.

**8. Notwithstanding anything hereinbefore contained, every Common Carrier shall be liable to the owner for loss of or damage to any property delivered to such Carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the Carrier or any of any of his agents or servants.**

Common Carrier liable for loss or damage caused by neglect or fraud of himself or his agent.

contained, every Common Carrier shall be liable to the owner for loss of or damage to any property delivered to such Carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the Carrier or any of any of his agents or servants.

**9. In any suit brought against a Common Carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, it shall not be necessary for the plaintiff to prove that such loss, damage or non-delivery was owing to the negligence or criminal act of the Carrier, his servants or agents.**

Plaintiff's in suits against Common Carriers for loss, damage or non-delivery not required to prove negligence or criminal act.

of the Carrier, his servants or agents.

**10. Nothing in this Act shall affect the provisions contained in the ninth, tenth and eleventh Sections of Act No. XVIII of 1854 (relating to Railways in India).**

Saving of provisions of Sections 9, 10 and 11 of Act XVIII of 1854.

provisions contained in the ninth, tenth and eleventh Sections of Act No. XVIII of 1854 (relating to Railways in India).

**SCHEDULE.**

Gold and Silver Coin.

Gold and Silver in a manufactured or unmanufactured state.

Precious Stones and Pearls.

Jewellery.

Time Pieces of any description.

Trinkets.

Bills and Hundis.

Currency Notes of the Government of India or Notes of any Banks, or Securities for payment of money, English or Foreign.

Stamps and Stamped paper.

Maps, Prints and Works of Art.

Writings.

Title Deeds.

Gold or Silver Plate or Plated articles.

Glass.

China.

Silk in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.

Shawls and Lace.

Cloths and tissues embroidered with the precious metals or of which such metals form part.

Articles of ivory, ebony, or sandal-wood.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India;*

*Home Dept. (Legislative).*

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 3rd February 1865, and was referred to a Select Committee with instructions to make their report thereon in one week:—

No. 2 of 1865.

*A Bill to continue Act No. XXXI of 1860.*

Whereas Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases), is limited to expire on the first day of October 1865; and whereas it is expedient to continue such Act for a limited period; It is enacted as follows:—

Preamble.

manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases), is limited to expire on the first day of October 1865; and whereas it is expedient to continue such Act for a limited period; It is enacted as follows:—

**1. Act No. XXXI of 1860 shall continue in force until the first day of October 1866.**

**2. This Act may be cited as "The Arms Act Continuance Act, 1865."**

Short Title.

**STATEMENT OF OBJECTS AND REASONS.**

Act XXXI of 1860 ("An Act relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases") expires on the last day of October 1865.

The Government of India has directed an enquiry as to the operation of the Act and its incidence on particular classes. Pending such enquiry, the present Bill proposes to continue Act XXXI of 1860 for one year from the expiration thereof.

H. S. MAINE.

The 2nd February 1865.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 3rd February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

No. 3 of 1865.

*A Bill to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.*

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction in suits relating to the title or succession to land in the said Province, or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and, after that office became vacant, in the Chief Commissioner; and whereas since the introduction of the said Code of Civil Procedure doubts have arisen whether such suits are cognizable by the ordinary Civil Courts in the first instance, and by the Judicial Commissioner on appeal, or by the Revenue Courts in the first instance, and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; and whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act; It is enacted as follows:—

1. In the construction of this Act, except when the contrary appears by the context—

Interpretation Clause.

Words in the singular number shall include the plural, words in the plural number shall include the singular, and words denoting the masculine gender shall include the feminine.

"Courts of Revenue" include Officers employed in making or revising Settlements.

2. In any District in the Province of Oude in which a Settlement of the land revenue is being made, all suits of whatever description arising in such District relating to the title or succession to land, or to the possession of land, or to any right in respect of any land shall, during the period of such Settlement and for such further period there-

after as the Governor-General of India in Council, by a notice to be published in the Official Gazette, may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal or revision by the Financial Commissioner. The Governor-General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decisions of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner.

3. The Financial Commissioner shall, with respect to such suits, be deemed the highest Court of appeal in the Province of Oude, within the meaning of the said Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court, and shall be subject to all the rules prescribed with reference to the Sudder Court by the said Code, subject to the restrictions, limitations, and provisos with which the said Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 8th August 1861. Subject to the same restrictions, limitations, and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

4. No suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in Section 2, be instituted or tried in any Court, or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

5. No suit by an under-tenant, other than a Ryot or Cultivator, relating to any under-tenure, which shall be cognizable in any Revenue Court under this Act, shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844.

6. Any suit or appeal relating to any matter cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the Law of Limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within four months from the date of the passing of this Act. The petition may be written on the stamp required for petitions presented to the Financial Commissioner or subordinate Revenue Court as the case may be.



**7.** All claims relating to the proprietary right in, succession to or possession of, any land or any right in respect to any land which may accrue after the expiration of the period appointed in Section 2, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

**8.** No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province, and before the passing of this Act, in or in respect of any suit relating to any proprietary right in, succession to or possession of, any land or any right in respect of any land in the said Province, shall be invalid by reason of any thing contained in the said Code of Civil Procedure.

*Saving of orders and decisions of Revenue Courts after the extension of Code of Civil Procedure to Oude.*

#### STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced to remove doubts which have arisen as to the legality of the decisions of the Revenue Authorities and the Financial Commissioner of Oude in Judicial cases consequent on the extension to the Province of the Code of Civil Procedure.

Since 1858 the Chief Commissioner has been vested with the powers of Financial Commissioner. The Government of India, under the power reserved in the General Orders of the Governor-General, dated 6th October 1858, which, under the Indian Councils' Act, has the force of law, has lately reconstituted the office under a separate Officer.

The Law of Limitation for the hearing of certain claims to rights of property in land has been extended to twelve years prior to the date at which the Province came under British dominion. This limitation will not extend to claims to rights of occupancy by cultivating tenants.

B. N. CUST.

The 9th January 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations, on the 10th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

No. 5 of 1865.

*A Bill to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.*

Whereas it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; it is enacted as follows:—

Preamble.

**1.** This Act shall be called "The Punjab Courts' Act, 1865."

Short title.

**2.** In this Act "Assistant Commissioner" shall include "Extra Assistant Commissioner."

**3.** There shall be eight grades of Courts in the Punjab, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely:—

- (1.)—The Court of the Tahsildar of the second Class.
- (2.)—The Court of the Tahsildar of the first Class.
- (3.)—The Court of the Assistant Commissioner with ordinary powers.
- (4.)—The Court of the Assistant Commissioner with special powers.
- (5.)—The Court of the Assistant Commissioner with full powers.
- (6.)—The Court of the Deputy Commissioner.
- (7.)—The Court of the Commissioner.
- (8.)—The Court of the Judicial Commissioner.

**4.** The Local Government shall have power to declare to which of the said grades any Tahsildar, or any Assistant Commissioner belongs.

*Local Government may declare grade to which any Tahsildar or Assistant Commissioner belongs.*

**5.** The Local Government shall also have power, with the sanction of the Government of India, to invest any Naib Tahsildar with the powers of a Tahsildar of the second Class, whenever any necessity may arise for such an arrangement, and to withdraw such powers.

**6.** The Tahsildar of the second Class shall, on the Civil side, have power to try and determine suits of every description not exceeding three hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the second Class, as defined in the Code of Criminal Procedure.

**7.** The Tahsildar of the first Class shall, on the Civil side, have power to try and determine suits of every description not exceeding three hundred Rupees, and on the Criminal side to exercise the power of a subordinate Magistrate of the first Class, as defined in the Code of Criminal Procedure.

**8.** The Assistant Commissioner with ordinary powers shall, on the Civil side, have power to try and determine suits of every description not exceeding one hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the second Class, as defined in the Code of Criminal Procedure.

**9.** The Assistant Commissioner with special powers shall, on the Civil side, have power to try and determine suits of every description not exceeding five hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the first Class, as defined in the Code of Criminal Procedure.

*Jurisdiction of Assistant Commissioner with special powers.*

**10.** The Assistant Commissioner with full Jurisdiction of Assistant Commissioner with full powers. powers shall, on the Civil side, have power to try and determine suits of every description not exceeding five thousand Rupees, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

**11.** The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Province, from any decision or order of any of the first four grades of lower Courts aforesaid, and on the Criminal side to exercise the powers of a Magistrate, and to hear appeals according to the provisions of the Code of Criminal Procedure. The Deputy Commissioner may also be invested with powers under Act V of 1861.

**12.** The Commissioner shall, on the Civil side, Jurisdiction of Commissioner. have power to try and determine suits of every description without limitation in value, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Province, from any decision or order of any of the Courts of the fifth and sixth grades, and on the Criminal side to exercise the powers of a Sessions Judge, and to hear appeals according to the provisions of the Code of Criminal Procedure.

**13.** Every suit shall ordinarily be instituted Court in which suit shall be instituted. in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

**14.** The Deputy Commissioner, on the Civil side, may withdraw any suit instituted in any Court subordinate to such Deputy Commissioner, and to try such suit himself, or to refer it for trial to any other Court subordinate to his authority, and competent in respect of the value of the suit to try the same. The Deputy Commissioner may also direct any distribution of work in the Courts subordinate to him, exercising the like jurisdiction and holding their sittings in the same place.

**15.** The Chief Court, on the Civil side, may Power of Chief Court to transfer suits. withdraw any suit instituted in any Court subordinate to it (with the exception of Small Cause Courts) and to refer it for trial to any other Court subordinate to its authority, and competent in respect of the value of the suit to try the same.

**16.** If the suit be for immoveable property Suits for immoveable property situated in different districts. situate within the limits of different districts within the same division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be

submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

**17.** If the districts within the limits of which the immoveable property is situate are subject to different Commissioners, the application shall be submitted to the Commissioner to whom the district in which the suit is brought is subject, and the Commissioner to whom such application is made may, with the concurrence of the Commissioner to whom the other district is subject, give authority to proceed with the suit.

**18.** The local jurisdiction of a Deputy Commissioner shall be deemed a "District," "District Court," "Divisional Court." district for the purposes of this Act, and the Court of such Deputy Commissioner shall be deemed the District Court within the meaning of the Code of Civil Procedure. The local jurisdiction of a Commissioner shall, in the same way, be deemed a Division, and his Court a Divisional Court.

**19.** Whenever the number of cases depending in any Divisional Court shall be so great as to require the appointment of additional agency, the local Government may invest additional Officers with powers of Commissioner, and Small Cause Court Judges with powers of Assistant Commissioner. be so great as to require the appointment of additional agency, the local Government shall, with the previously obtained sanction of the Governor General of India in Council, have power to invest any Officers with the Civil and Criminal powers of a Commissioner as defined in this Act; the local Government may also on its own authority invest any Judge of a Court of Small Causes with the powers of an Assistant Commissioner with full powers, as aforesaid.

**20.** It shall be lawful for the local Government, with the previously obtained sanction of the Governor General of India in Council, in any district in which a Settlement is in progress, to vest any special Officer with the Civil powers of a Commissioner or Deputy Commissioner, or Assistant Commissioner or Tahsildar, on the Civil side, as described in this Act for the purpose of deciding cases with regard to rights in land and the product of land in such district; and it shall be lawful for the local Government on its own authority to empower Tahsildars, Assistant Commissioners, Deputy Commissioners, and Commissioners in any district in which a Settlement is in progress, to exercise their respective powers in suits regarding rights in land and the product of land on the Revenue side of their respective Courts: Provided that no deviation be allowed from the Rules of Civil Procedure which would otherwise be in force, and that this power shall continue only so long as the Settlement operations shall be in progress, and shall cease on the termination thereof.

**21.** It shall be lawful for the local Government, on its own authority, to vest the Financial Commissioner with the powers of the Chief Court as described in Act of 1865 for the purpose of trying all special appeals from Commissioners and Deputy Commissioners

Local Government may invest Financial Commissioner with powers of Chief Court for certain purposes.

in all decisions passed by them in regular appeal under Section 20: Provided that no deviation be allowed from the Rules of Civil Procedure which would otherwise be in force, and that this power shall continue only so long as the Settlement operations shall be in progress, and shall cease on the termination thereof.

**22.** No decision or order passed by any Judicial Officer in the Punjab and its Dependencies prior to the passing of this Act shall be invalid solely on the ground of a doubt existing as to the authority of the Officer who passed the decision or order.

**23.** This Act shall commence and come into operation on the first day of May 1865.

#### STATEMENT OF OBJECTS AND REASONS.

THE jurisdiction now exercised by the Criminal Courts in the Punjab and its Dependencies, is derived from the Code of Criminal Procedure, but the official title of the Officers exercising the different grades of powers is different. The jurisdiction now exercised by the Civil Courts is derived, not from any express provisions of law, but from orders passed from time to time by the Executive Government. As these orders bear a date prior to the passing of the Indian Councils' Act, 1861, their validity, and the proceedings of the Courts established by them, cannot be called into question; but it is felt that it will be convenient to define the existing powers of the ordinary Courts of Civil and Criminal jurisdiction more particularly, and the opportunity is taken to place the Courts of Judicature of the Punjab on a legal basis, similar to that upon which the Courts of British Burmah and the Central Provinces have been or are being placed, and to give them a similar legal status. This is the first object of this Bill, which follows the form of the Central Provinces' Bill in so far as it defines the jurisdiction of the Courts to which it refers.

The Chief Court of the Punjab will be regulated by a separate Bill now pending before the Council.

A second object of this Bill is to vest certain powers in the Local Government to appoint additional Officers with the powers of a Commissioner, as defined in this Bill, when the pressure of business renders this necessary. The Local Government is also empowered to vest any Judge of a Small Cause Court with the powers of an Assistant Commissioner with full powers, as defined in this Bill. The sanction of the Government of India must be obtained to the appointment of additional Officers, as it entails additional expenditure.

Opportunity is also taken to legalize the jurisdiction of Officers on the Revenue side to try and determine suits affecting rights in land and the product of land. A Commissioner of Settlement has been appointed since the year 1861, vested with the Civil powers of a Commissioner as described in this Bill: under him are subordinate Officers of all grades, but there is no legal sanction to their judicial power which may hereafter be called into question. This Bill gives the Local Government power to appoint such Officers, but the sanction of the Government of India must precede, as in the case above stated.

By the practice of the Punjab, Judicial Officers of all grades have been in the habit of trying all suits affecting rights in land and the product of land on the Revenue side. A final appeal lies to the Financial Commissioner, to the exclusion of the Chief Court of Civil appeal of the Province. A power is granted to the Local Government to invest all Revenue Officers with Civil Court powers for the above-stated purpose so long as a Settlement is in progress; at the close of which such cases will revert to the ordinary jurisdiction of the Civil Courts. This provision corresponds with the provision which has been, with the consent of the Local Government, introduced into the Bill for constituting a Chief Court in the Punjab, and with the provision of the Bill to remove doubts as to the jurisdiction of the Financial Commissioner of Oude. It is to be understood that no change of procedure or law is made by the trial of suits affecting rights in land or the product of land on the Revenue side, but of the tribunal only. Whatever special jurisdiction the Revenue Courts may exercise in summary suits, or other suits made over to the Revenue Officers by special enactment, remains unchanged by this Bill, which relates only to suits regarding land and the product of land.

This Bill provides that no decision shall be set aside on account of any flaw in jurisdiction.

R. N. CUST.

The 4th February 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Report of the Select Committee, together with the Bill as settled by them was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th February 1865:—

#### REPORT.

We, the undersigned Members of the Select

Committee of the Council of the Governor General of India, for the purpose of making Laws and Regulations, to whom the Bill to amend the Procedure of Her Majesty's High Courts of Judicature, in the exercise of their Original Criminal Jurisdiction was referred, have considered the papers noted in the margin, and have the honour to submit the following Report:—

2. The abolition in India of the institution of the Grand Jury, though not the most important



feature of the Bill, is that which has attracted the greatest share of public attention: we therefore deem it our duty, in the first instance, to notice that part of the proposed measure.

3. By the 8th Section of the 24th and 25th of Victoria, Cap. 104, the Supreme and Sudder Courts in Calcutta, Madras, and Bombay were abolished. By the 9th Section of the same Act, it was provided that the High Courts of the three Presidencies, established in the places of such Supreme and Sudder Courts, "should have and exercise all such powers and authority in relation to the Administration of Justice as Her Majesty by Letters Patent should grant and direct."

4. In forwarding the Letters Patent of the High Court in Calcutta, Her Majesty's Secretary of State for India stated, in the 25th paragraph of his letter of the 14th of May 1862, that, under certain Clauses, no change would, for the present, be effected by the Charter in the Administration of Criminal Justice in the Presidency Town, or in respect of persons subject to the Criminal Jurisdiction of the High Court residing in the interior of the country; but that it appeared to him some modification of the existing practice both in the Capital and the Mofussil was necessary, and that, on those points, he would address the Government of India in a separate despatch.

5. Her Majesty's Secretary of State, accordingly, in a despatch dated 29th February 1864, expressed his opinion that, as the most obvious reform in the mode of dealing with Criminal charges in the Presidency Towns, Grand Juries should be abolished, and he requested "that steps might be taken for the early introduction into His Excellency the Viceroy's Council of the necessary measure."

6. In support of the conclusion stated in this letter, Her Majesty's Secretary of State referred to two documents, 1st, a Presentment of the Grand Jury in Calcutta in December 1862; 2nd, the first Report of the Indian Law Commissioners.

7. The Grand Jury of Calcutta, in the Presentment to which the Secretary of State alluded, stated, with reference to certain cases of minor importance in the Calendar, "that such cases should not occupy the time of the Grand Jury, but be summarily dealt with by the Bench of Magistrates," and they presented, for the consideration of the Court, a recommendation for legislative enactment that may, "while preserving the institution of the Grand Jury in all its integrity, relieve it from the investigation of such petty charges as constitute the majority of cases in the Calendar of the Criminal Sessions."

8. The other document to which Her Majesty's Secretary of State referred, was the first Report of the Indian Law Commissioners. In the 151st page of that Report the following remarks appear:—

"The provisions proposed by us on the subject of Juries, commence with a rule to the effect that Grand Juries shall be abolished. This institution has never existed in India out of the Presidency Towns, is not adapted to the country, and as coming between the Magistrate and the Sessions Judge, so as to control in any way the proceedings of the former, would not be understood or appreciated by the great mass of the community. The retention of the Grand Juries in Calcutta would involve a very wide, and, as we think, an unneces-

sary diversity from the practice of the Mofussil in the mode of dealing with criminal charges."

9. In accordance with the foregoing view, the Bill submitted to the Council was prepared. Its provisions have been generally approved by Her Majesty's Government in a despatch dated 7th November 1864, received since the introduction of the measure, but a few modifications on points of detail, not material to the present discussion, have been suggested.

10. The abolition of Grand Juries has been expressly approved by the High Court and the Grand Jury of Madras. In Bombay, it has been approved by all the Judges excepting the Chief Justice. We have also strong reason for believing that the communities of Madras and Bombay, European as well as Native, are favourable to the measure. In Calcutta, a former Grand Jury, as has been stated, considered that a majority of the cases generally found in the Calendar should be removed from the cognizance of Grand Juries.

11. Considering, then, that the abolition of Grand Juries in India has been recommended by the Royal Commissioners and also by Her Majesty's Government, invested, as it has been, by Act of Parliament with special power in that behalf; considering also, that the proposal to abolish them is supported by the communities of Madras and Bombay, we think that, even apart from the question whether a Grand Jury is in itself and in other countries an useful institution, it would be difficult to find reasons for preserving it in India, much more for extending it to the Mofussil. Such extension, indeed, we believe to be almost impracticable. The information laid before us leads us to think that the material for Juries beyond the Presidency Towns is not more than sufficient to supply a satisfactory list of Common Jury-men. We desire, moreover, to call attention to the fact that unless the Legislature should re-establish that restriction of the right to serve on Juries which was expressly repealed by Statute 2 and 3 Will. 4, Cap. 117, Sec. 2, a Grand Jury over a large part of India would be chiefly composed of Native Gentlemen, as may be collected from the subjoined extract from the Jury Rules.\* Whether this result would, in practice, be beneficial, it is unnecessary to consider, since it is not desired by the Europeans, and the documents expressive of Native opinion, which are before us, lead us to believe that the system of Grand Juries is not regarded with favour by the Natives.

12. Our Hon'ble Colleague, Mr. Bullen, while he admits that the establishment of the Grand Jury system in the Mofussil is impracticable, and while he acknowledges the difficulty of retaining

\* "All covenanted servants of the Hon'ble Company's Civil Service, all persons who, according to the usage of England, are entitled to the style and addition of Esquire, or of any higher degree, or who shall be described in the lists hereinafter mentioned as Merchants or Bankers, all persons whose claims to the title of Rajah, or to have about them any insignia of equivalent rank, have been formally acknowledged by the Government, or whose rank or superiority of caste, according to the usage of their tribe or religion, would prevent them from sitting on Common Juries, or whose property, or interest in lands, tenements, or goods, would be worth two hundred thousand Rupees, after the payment of their just debts, shall be exempted from serving on any other than Special or Grand Juries; provided always that if any person, who is entitled to this exemption, shall be willing to waive the same and to serve on Common Juries, an entry to that effect shall be made in a separate column, upon the lists and book hereinafter mentioned, and the party shall be deemed to be qualified and liable to serve, both on Special and on Common Juries."



it for Calcutta, so long as Madras and Bombay are desirous of dispensing with it, is nevertheless of opinion that if it had not been for the view which appears to be taken of the subject, in Madras and Bombay, Grand Juries might have been retained in the Presidency Towns, though not extended to the Mofussil.

13. The portion of the proposed measure to which we have given our most serious attention is that which provides facilities for the trial of European British subjects at or near the place at which they are alleged to have committed offences. The Bill, as originally framed, continued in effect for the Mofussil the system which has been established by Act of Parliament in the Presidency Towns, and under which much of the procedure in criminal trials is regulated by rules of the High Court. But Her Majesty's Government, and nearly all the Judges who have adverted to the subject, have expressed the opinion that many matters, which, in the Presidency Towns, depend upon rules of Court should, in the Mofussil at all events, be governed by express legislation. In accordance with this opinion, the Committee have made large additions to the Bill.

14. In order to explain the modifications which this measure will effect in the mode of trying European British subjects, it may be convenient to describe the course which, if the Bill becomes law, will be followed whenever a European British subject is charged in the Mofussil with an offence for which he would now be committed to the Presidency Town. As soon as the Magistrate has determined to commit the accused person, he will send to the High Court a copy of the charge and of the depositions and other documents connected therewith. The High Court, after communicating with Government—a communication of which the object is to inform the Court whether there is any intention of issuing a Commission within a reasonable time—will decide whether the person charged shall be tried at any place specified in such Commission, or shall be sent for trial as at present to a Presidency Town. The Magistrate will then commit him or hold him to bail in conformity with the direction of the High Court.

15. Some such system as that described in the last paragraph is for the present necessary to prevent the detention of accused persons during periods of unreasonable length. It is probable that, until proper accommodation for European prisoners has been provided in the Jails, and until further facilities of communication exist between the Presidency Towns and the large Mofussil Cities, the Government will only be able to depute Judges under Commission at irregular and uncertain intervals. We do not think that Europeans should be committed as of course for local trial until a system of regular Jail deliveries at fixed and not too long intervals can be established. But, in anticipation of the complete or partial establishment of such a system hereafter, we have provided that the High Court may, by a general order, direct that all Europeans who may be charged with offences within certain districts and within certain parts of the year shall be committed for trial at some particular place. When such an order has been given, the Magistrate will not be under the necessity of waiting for any special direction from the High Court before committing or bailing the accused person for trial at such place.

16. When a European British subject is tried by a Judge of the High Court in the Mofussil, the

proceedings will be governed in general by the Code of Criminal Procedure. It appears to us that the provisions of the Code, when applied to trials before a Judge of such authority and rank, may be conveniently modified in several particulars. Sections 37 to 41 of the Bill as amended by us contain the modifications in question. Their effect is to bring a trial before a Judge of the High Court in the Mofussil into close harmony with similar trials in the Presidency Towns.

17. All trials before a Judge sitting under Commission will be by Jury. The composition of the Jury is a matter which has engaged our anxious attention, and has been much discussed by us.

The Jury recommended for the Presidency Towns by the Royal Commissioners—which is a Jury of nine deciding by a majority of two-thirds if the Judge concur—appears to us preferable to the Jury system of the Code of Criminal Procedure. But we have finally decided to retain the familiar number of twelve, the verdict to be carried either by unanimity among the Jurors or by a majority consisting of nine, in the event of the Judge concurring. Absolute unanimity, which might entail the frequent discharge of Juries, we consider to be excluded by the largeness of the Jury we have determined upon, and by the scantiness of good Jury material in the Mofussil.

18. We have followed the principle which the Code of Criminal Procedure applies to the trials of Americans and of Europeans who are not British subjects, in providing that the majority of the Jury empanelled for the trial of a European British subject shall, if he so require, consist of Europeans or Americans. To secure a sufficient number of European Jurors, we have partially repealed the exemption of Military men from Juries under the Code, and we have permitted Commissioned and Non-Commissioned Officers to be summoned. We have, however, provided that no summons shall issue until after communication with the Commanding Officer, and that no Military man shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent Military duty.

19. As it is scarcely probable that the trials of European British subjects will occupy the whole time of the Judge during his sittings under Commission at a particular place, we have provided that he shall try such other persons committed to the Sessions Court of the place as he shall think proper. We have also made provision for including in the Commission any Barrister-at Law of five years' standing or Sessions Judge, who, under the name of Associate Judge, may try any person not being a European British subject whom the High Court Judge may direct him to try; but such last-mentioned trials will be regulated exclusively by the Code of Criminal Procedure. If the Judge of the High Court and an Associate Judge sit together, the former will exclusively conduct the trial.

20. We desire to add that the 30th Section of the Letters Patent of the Bengal High Court, and the corresponding Sections of the Letters Patent of the Madras and Bombay High Courts, which are repeated in Sections 22, 23, and 24 of the Bill, empower a Judge or Judges of the High Court, sitting under Commission, to exercise the same jurisdiction, power and authority as might be exercised by a Judge or Judges of the High Court at the Presidency Towns. Section 25 of the present Bill, which is in harmony with the Letters Patent, enables the High Court to allot such

part of its extraordinary original civil jurisdiction, civil and criminal appellate jurisdiction and jurisdiction as a Court of revision or reference as the High Court may consider can be more conveniently exercised at the places mentioned in the Commission than at its usual place of sitting.

21. The changes we propose to effect in the Criminal Procedure of the High Court exercising jurisdiction at the Presidency Towns are not, apart from the abolition of the Grand Jury, of great importance. We have provided that all charges of capital crimes, and all the cases which the High Court may, on account of their difficulty, or for any other reason, direct to be so tried, shall be tried by Special Jury, a mode of trial now only in use for misdemeanors and of uncertain application since the enactment of the Indian Penal Code. The Special Jurors will be exempt from service on Common or Petty Juries, and the Special Jury list will, in the first instance, comprise all gentlemen now entitled to the privilege of serving on Grand Juries. But as we trust that, when the machinery of the Bill is in full operation, it will not exhaust the Petty Jury list to the extent to which it is now exhausted by the Grand Jury, we have provided that no addition shall be made to the Special Jury list until by death, departure from India, or other loss of qualification, the Special Jurors shall be reduced to two hundred, which number we think sufficient for the Special Jury cases likely to be tried in the Presidency Towns. When the number of Special Jurors is below two hundred, we provide that the full number shall be completed by selection on the part of some Officer nominated by the Chief Justice, regard being had to property, education, character, and intelligence. It may be remarked that, as we prescribe a maximum number of Special Jurors, no fixed qualification can be assigned, and the power vested in the selecting Officer must be entirely discretionary.

22. Finally, we desire to observe that, whether a trial under this Bill takes place in the Presidency Towns or in the Mofussil, a Judge of the High Court, if upon perusal of the depositions he considers any charge to be clearly unsustainable, will have the power to make an entry to that effect. Such an entry will operate in the Presidency Towns as a *nolle prosequi*, and will have practically the same result in the Mofussil. Moreover, if no further charge against the same person on the same grounds be preferred in three years, he will be placed in the same position as if he had been actually acquitted. The power of making such an entry we regard as an unobjectionable substitute for the functions of a Grand Jury.

23. Mr. Bullen individually prefers, for the trial of European British subjects in the Mofussil, an unanimous Jury of seven, consisting wholly of Europeans or Americans, to the Jury which the Committee has agreed to recommend.

24. We recommend that the Bill as amended by us be passed, but that it be previously republished with this Report in the *Official Gazette*.

H. S. MAINE.  
C. BRADON.  
R. NAPIER.  
H. B. HARRINGTON.  
W. GREY.  
H. L. ANDERSON.  
J. N. BULLEN.  
W. MUIR.  
R. N. CUST.  
D. COWIE.

The 15th February 1865.

## AMENDED BILL.

No. 19 of 1864.

*A Bill to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.*

Whereas it is expedient to amend the procedure of the High Courts of Judicature at Fort William in Bengal, at Madras and at

Bombay, in the exercise of their original criminal jurisdiction, and also to provide for the exercise by such Courts of original criminal jurisdiction under the Commission of the Governor-General of India in Council, or of either of the Governors in Council of Madras and Bombay, in places other than the Presidency Towns, or at several such places by way of circuit: It is enacted as follows:—

### Preliminary.

1. This Act may be cited as "The High Courts' Criminal Procedure Amendment Act, 1865."

Short title.

2. In this Act, unless there be something repugnant in the subject or context—

"High Court" denotes Her Majesty's High Courts of Judicature at Fort William in Bengal, at Madras, and at Bombay, respectively.

"Chief Justice." "Chief Justice" shall include an Officiating Chief Justice.

"Magistrate" denotes any person exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and includes Police Magistrates in any Presidency Town.

"Clerk of the Crown" includes, besides such Officer, a Crown Prosecutor and any Officer specially appointed by the Governor-General of India in Council or the Governor in Council of Madras or Bombay to discharge the functions given by this Act to the Clerk of the Crown, in respect of any sittings of a Judge or Judges of the High Court in a place other than the usual place of sitting, or in respect of any sittings of a Barrister under the forty-fourth Section of this Act.

"British India" denotes the territories which are or may become vested in Her Majesty under the Statute 21 and 22 Vic., cap. 106, except the Settlement of Prince of Wales' Island, Singapore and Malacca.

Words importing the masculine gender include females: words in the singular number include the plural, and words in the plural number include the singular.

*Of Charges where the accused is committed in a Presidency Town.*

3. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any person for trial before the High Court for an offence committed, or which according to law may be dealt with as if it had been committed

Charge to be delivered to Clerk of the Crown with commitment within the local limits of the ordinary original Civil jurisdiction.

within the local limits of its ordinary original Civil jurisdiction, shall, together with all examinations, informations, bailments and recognizances now required to be delivered to such Court before the trial, deliver to the Clerk of the Crown a written instrument of charge signed by him stating for what offence such person is so committed or held to bail.

**4.** The Clerk of the Crown shall peruse and consider the charge, and may, if he consider it necessary or expedient so to do, amend, alter or add to the same.

The charge, with such amendments, alterations or additions, if any, shall be recorded in the High Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

**5.** The person charged shall also be entitled to copies of the examinations of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same not exceeding one anna for each folio of ninety words.

**6.** Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions contained in the eighth Section of this Act) shall be arraigned at suit of the Crown, and the verdict shall be recorded thereupon.

**7.** In Act XVIII of 1862 (to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal justice in Her Majesty's Supreme Courts of Judicature), the word "indictment" shall be understood to include the word "charge," and all the provisions of the said Act shall apply to charges recorded as aforesaid and the trial of such charges.

**8.** When any such charge shall have been recorded in the High Court as aforesaid and shall at any time before the person charged is arraigned, appear to the Judge of the High Court who would in ordinary course try the same, to be clearly unsustainable, an entry to that effect may be made on the charge by such Judge. Such entry may be made without the fiat of the Advocate General, and shall have the effect of a *nolle prosequi* upon the charge; but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

#### Of Grand Juries.

**9.** From and after the date on which this Act shall come into operation, no warrant or precept shall be issued to the Sheriff or other Officer directing him to sum-

mon any persons to attend and serve as Grand Jurors. All persons who, but for this Act, would have been exempt from serving on Common Juries shall be liable, except as hereinafter provided, to serve on such Juries.

**10.** No person shall be brought before the High Court on the presentment or inquisition of Grand Jurors, unless such presentment or inquisition shall have been made by Grand Jurors who shall have been duly summoned before this Act comes into force: Provided that if any precept for summoning a Grand Jury shall have been issued for the then next coming Sessions of the High Court, such Grand Jury shall proceed at such Sessions as if this Act had not passed.

#### Of Juries in the Presidency Towns.

**11.** Every person tried in a Presidency Town upon a charge of having committed an offence which is punishable with death, or upon any other charge if a Judge of the High Court shall so order, shall be tried before a Special Jury.

**12.** The Jurors' Book for the year current when this Act comes into force, shall be taken as containing a correct general list of persons qualified and liable to serve as Jurors under this Act: and those persons whose names are entered in the said Jurors' Book as being privileged to serve on Grand or Special Juries only, shall be deemed to be persons privileged and liable to serve only as Special Jurors under this Act: and a list of such last mentioned persons, to be called the "Special Jurors' List," shall forthwith, and subject to such rules as shall be prescribed by the High Court, be prepared by the Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct.

**13.** The number of persons included in the "Special Jurors' List" prepared as in the last preceding Section is provided, shall be permitted gradually from year to year to diminish until the whole number of names remaining on such list shall not exceed two hundred: and no new name shall be added to such list until the number shall have been so diminished by the death or change of residence of the persons originally included in the list, or by other loss of such qualification as gave them the privilege of serving only as Grand or Special Jurors. After the number shall once have been reduced as aforesaid, the names of not more than two hundred persons shall ever at any one time be entered in the Special Jurors' List.

**14.** All persons whose names are entered in the "Special Jurors' List" shall be exempted from serving on any other than Special Juries.



**15.** The Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct, shall, before the first day of April in each year, and subject in all respects to such rules as the High Court shall from time to time prescribe, prepare a list of all persons qualified and liable to serve as Jurors: and shall before the fifteenth day of April, which shall first occur after the reduction of the number of names in the "Special Jurors' List" as aforesaid, and before every subsequent 15th day of April, but subject always to such rules as aforesaid, take from the general list of Jurors the names of such persons as he may think fit, regard being had to their property, character, and education, and shall enter the same in the "Special Jurors' List."

**16.** The Clerk of the Crown or other Officer appointed by the Chief Justice shall, subject to such rules as aforesaid, have full and entire discretion to prepare the said lists as shall seem to him to be proper, and there shall be no appeal from or review of his decision.

**17.** The list of persons qualified or liable to serve as Jurors, and the "Special Jurors' List," respectively, signed by the Officer by whom the same shall have been prepared, shall be published once in the Official Gazette, before the first day of May next after their preparation, and copies of the said lists shall be affixed to some conspicuous part of the Court House.

**18.** Out of the names contained in the lists aforesaid, there shall be summoned for each Sessions thirty-six of those who are qualified and liable to serve on Special Juries, and seventy-two of those who are qualified and liable to serve on Common Juries.

*Of Challenges of Jurors in the Presidency Towns.*

**19.** A peremptory challenge to the number of twenty in Common Juries and ten in Special Juries, shall be allowed; but there shall be no challenge to the array; and save as aforesaid the following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person charged:—

(1.) Some personal objection, such as alienage, infancy, old age or deficiency in the qualification required by any law or rule having the force of law for the time being in force.

(2.) Some presumed or actual partiality in the juror.

(3.) A previous conviction of the juror under the Indian Penal Code, or the criminal law administered in the Supreme Courts of Judicature or the Courts of the East India Company previously to the enactment of such Code.

**20.** The Judge before whom the person charged is about to be tried shall try any challenge, other than a peremptory challenge, and if he allow the challenge the juror shall be set aside.

**21.** Save as hereinbefore provided, the High Court shall retain all its present powers respecting the summoning, empanelling, qualification, challenging and service of jurors in the Presidency Towns: and shall have power to make such rules on these subjects (not inconsistent with the provisions of this Act) as shall seem to it to be proper. All rules relating thereto now in force in the High Court shall (so far as they are not inconsistent with this Act) remain in full force until repealed or altered by new Rules made under this Section.

*Of Sittings under a Commission.*

**22.** From and after the commencement of this Act, whenever it shall appear to the Governor-General of India in Council convenient that the jurisdiction and power vested in the High Court at Fort William in Bengal should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court, whether within or without the Bengal Division of the Presidency of Fort William, other than the usual place of sitting of such Court, or at several such places by way of circuit, and the Governor-General of India in Council shall, by his Commission for that purpose, authorize and direct any of the Judges of such Court to hold sittings at such place or places accordingly, at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed, shall have and exercise the same jurisdiction, power and authority as would be had and exercised by a Judge or Judges of the High Court of Judicature at Fort William in Bengal in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of such High Court to the provisions contained in the twenty-eighth and following Sections of this Act.

**23.** From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Madras convenient that the jurisdiction and power vested in the High Court of Judicature at Madras should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same High Court, whether within or without the Presidency of Madras, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the place and manner therein directed, shall have and exercise the same jurisdiction, power and authority as would be had and exercised by a Judge or Judges of the High Court at Madras, in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions con-



tained in the twenty-eighth and following Sections of this Act.

**24.** From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Bombay convenient that the jurisdiction and power vested in the High Court of

Jurisdiction of Judge acting under Commission of Governor in Council of Bombay.

Judicature at Bombay should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same Court, whether within or without the Presidency of Bombay, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power and authority, as would be had and exercised by a Judge or Judges of the High Court at Bombay in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

**25.** The High Court may allot to a Judge or Judges acting under a Commission as aforesaid, such part of the extraordinary original Civil jurisdiction, and of the Civil and Criminal Appellate jurisdiction, and of the jurisdiction as a Court of revision or reference which it is competent to exercise at its usual place of sitting as the High Court may consider can be more conveniently exercised at any place or places mentioned in such Commission.

**26.** Every Commission issued as aforesaid under any of the preceding Sections shall specify the time during which and the districts or places within which such Commission shall remain in force; and the limits of such districts or places shall be defined by notification in the Official Gazette.

**27.** The Governor General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, may by such Commission as aforesaid associate with such Judge of the High Court any Barrister-at-law of not less than five years' standing or any Sessions Judge. The person so associated shall be called the Associate Judge, and, unless directed to try persons separately as hereinafter provided, may sit with the Judge of the High Court during the trials of persons tried under such Commission. Whenever any Associate Judge sits with the Judge of the High Court, the latter shall preside, conduct the case, and pronounce judgment.

**28.** Any Justice of the Peace or Magistrate without the local limits of the ordinary original Civil jurisdiction of the High Court, before whom any European British subject shall be brought for an offence

Charge to be delivered with record of preliminary inquiry without the local limits of the original criminal jurisdiction.

committed without those limits shall, immediately after the conclusion of the preliminary enquiry, and if he shall determine to commit or hold to bail such person for trial, give notice thereof to the High Court, to which the commitment or bailment would ordinarily be made, and shall send to the Clerk of the Crown, together with the record of the preliminary enquiry, and translations into English of any writings not in that language, a written instrument of charge signed by him stating for what offence such person is committed or held to bail. On receipt of these documents the Clerk of the Crown shall proceed as directed in the like case in the fourth Section, and the person charged shall be entitled to copies in like manner as he would be entitled to copies under the fifth Section, of this Act. If a Commission under which the person charged might be tried shall have been issued, the High Court shall consider at what place the person charged can be most conveniently tried, and shall give directions accordingly: if no such Commission shall have been issued, the High Court shall request information from the Government as to whether such Commission is about to issue, and shall then give such directions as last aforesaid. Provided always that, if the commitment or bailment have been made after the issue and during the running of a Commission under which the person charged might be tried, the notice by this Section directed to be given to the Clerk of the Crown shall be given, and the documents directed to be sent, to the Clerk of the Crown, shall be sent to the Clerk of the Crown with the Judge of the High Court acting under the Commission. Such Judge shall have all the powers given to the High Court by this and the next succeeding Section.

**29.** The charge, whether it shall or shall not have been amended, altered, added to under the last preceding Section shall, if the person charged be directed to be tried at a place other than the usual place of sitting of the Court, have the same effect as a charge under the thirteenth Chapter of the Code of Criminal Procedure, and the person charged shall be tried thereon before a Judge of the High Court whether sitting by himself or with an Associate Judge. But if, at any time before the High Court shall have directed

If unsustainable, the proceedings may be stayed.

where the trial of the person charged shall take place, the charge appear to the High Court to be clearly unsustainable, an entry to that effect may be made by the proper Officer of the Court at any time before the commencement of the trial. Such entry shall have the effect of staying proceedings on the charge; but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted. If the person charged be directed to be tried at the usual place of sitting of the Court, the charge whether amended, altered, or added to, as last aforesaid or not, shall have the same effect as, and be deemed to be, a charge under the sixth, seventh, and eighth Sections of this Act.

**30.** Pending the directions of the High Court as to the place of trial, every such British subject as is referred to in the twenty-eighth Section shall (if not

Procedure pending directions of High Court.

out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal Jail in which he can be most conveniently confined. If the trial shall be directed to take place in the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail of the High Court in such usual place. If the High Court shall direct that the person charged be tried elsewhere than in its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial in the place directed, or (as the case may be) shall if necessary cause him to be removed to the Criminal Jail of or nearest to the place at which such person is directed to be tried, and the Officer in charge of such Criminal Jail shall keep such person in safe custody until discharged in due course of law.

**31.** It shall be lawful for the High Court to

High Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court or to direct that they shall be tried at a particular place named; and also to order that such European British subjects shall if not bailed be committed for intermediate custody to a particular jail being one of the jails appointed by the Government for the reception of such prisoners. In any such case the High Court may direct further that the notice required by the twenty-eighth Section to be given, and the papers required by that Section to be sent to the Clerk of the Crown, shall be given and sent to a particular Clerk of the Crown named by the High Court in that behalf. Every person bailed or committed to take his trial at any particular place in compliance with a general direction under the provisions of this Section shall be dealt within all respects, as if he had been bailed or committed in compliance with a special direction under the twenty-eighth Section.

**32.** When the High Court shall have directed

Jurisdiction over European British subjects tried under Commission.

that any European British subject shall be tried at any place other than its usual place of sitting, the Judge of the High Court acting under such Commission as aforesaid in the place and manner therein mentioned shall, whether sitting by himself or with the Associate Judge, have and exercise in respect of such European British subject the same jurisdiction, power and authority which would be had and exercised by the High Court at its ordinary place of sitting if the said European British subject had been committed or bailed to the said High Court at its ordinary place of sitting for the offence with which he is charged. But the trial of the said European British subject before such Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall, sub-

Code of Criminal Procedure to apply to such subjects except as hereinafter declared.

ject to the exceptions hereinafter declared, be conducted in accordance with the rules and provisions contained in the Code of Criminal Pro-

cedure and thereby made applicable to trials of persons committed or bailed for trial before the Court of Session for offences triable by such Court.

**33.** The Judge of the High Court acting

Jurisdiction over persons not European British subjects tried under Commission.

under such Commission in the place and manner therein mentioned and whether sitting by himself or with the Associate Judge, shall, if he shall think fit, have and exercise the same jurisdiction, power and authority in respect of any person committed or bailed for trial under the Code of Criminal Procedure before the Court of Session at the place and within the time in such Commission mentioned as might be had and exercised by the Court of Session to which such person was committed or bailed. The trial of such person shall be conducted, subject to the exceptions hereinafter declared, in accordance with the rules and provisions contained in the Code of Criminal Procedure and thereby made applicable to trials before a Court of Session of persons committed or bailed to such Court for offences triable by the same.

**34.** All trials before a Judge of the High

Trials under Commission to be by Jury.

Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall be by Jury.

**35.** Whenever the Governor-General of

Summoning of Jurors to serve on trials under Commission.

India in Council or the Governor of Madras or of Bombay in Council, as the case may be, shall have signified to the High Court that it is intended to issue a Commission as aforesaid to any Judge or Judges of the High Court authorizing and directing sittings of the said Judge or Judges in any place, the High Court shall give notice of such intention to the Court of Session at such place, and thereupon the said Court of Session shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be

summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of persons charged with offences before the Judge of the High Court acting under Commission as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of persons triable by such Judge of the High Court acting under such Commission as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if

no such Officers have been summoned, then solely from the persons summoned under the same Sections.

**36.** If the person charged shall be a European British subject and shall so require before the jury shall be empanelled, the majority the jurors shall consist of Europeans or Americans. If such a jury cannot be procured, the person so charged shall be sent for trial by the High Court in its usual place of sitting.

**37.** On every trial mentioned in the thirty-fourth Section of this Act, the jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

**38.** During the trial of any person before a Judge of the High Court, acting under Commission as aforesaid or by a Judge of the High Court and an Associate Judge sitting together, any act, not of a judicial nature, which the Code of Criminal Procedure requires to be done by the Court of Session, may be done by the Clerk of the Crown or by any Officer of the Court directed by such Judge to perform such act.

**39.** So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by a Judge of the High Court acting under Commission as aforesaid.

**40.** So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form shall not apply to judgments, sentences, or findings in trials before a Judge of the High Court acting under such Commission as aforesaid, whether sitting by himself or with an Associate Judge; but the Judge shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as he shall think proper.

**41.** When any person has been convicted of an offence before a Judge of the High Court acting under Commission as aforesaid, the Judge, if he think proper, may reserve for the decision of the High Court any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence

and a warrant for the execution of the same to the Magistrate or other Officer in charge of the Jail of the District at which the trial was held, and such Magistrate or other Officer shall proceed thereupon in like manner as he is directed by the Code of Criminal Procedure to proceed in respect of sentences by a Court of Session not requiring confirmation. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision of the High Court thereon, be dealt with in like manner as persons sentenced by a Court of Session in cases where the sentence requires the confirmation of the Sudder Court under the Code of Criminal Procedure. If the decision of the High Court be adverse to the person convicted, such decision shall be forwarded to the Court of Session of the district in which the trial took place, in like manner as is directed by the three hundred and eighty-third Section of the said Code with reference to orders of confirmation of sentences, and thereupon the said Court of Session and all other persons shall proceed as if the person convicted had been sentenced by such Court of Session and as if such sentence had been confirmed by the Sudder Court under the Code of Criminal Procedure.

**42.** Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before a Judge of the High Court acting under Commission as aforesaid, or before such Judge and an Associate Judge, and to trials before such Judge of the High Court or before such Judge and an Associate Judge, and to sentences by such Judge of the High Court and to the carrying into execution of such sentences.

**43.** If the Judge of the High Court think fit, he may direct the Associate Judge to try any person, other than a European British subject, who under this Act is triable by such Judge of the High Court. The trial of such person shall be regulated without exception by the rules of the Code of Criminal Procedure applicable to trials of persons committed or bailed for trial before a Court of Session, and such person, if convicted, shall be dealt with as if he had been convicted before the Court of Session of the district in which the trial was held. Any person, other than a European British subject who has been committed or bailed for trial before the Court of Session of any place mentioned in such Commission as aforesaid, but who has not been tried under this Act during the time for which the Commission remains in force, shall be tried by the Court of Session to which he was committed or bailed as if this Act had not passed.

**44.** From and after the commencement of this Act, it shall be lawful for the Governor General of India in Council by his Commission to authorize and direct any Barrister-at-law of not less than five years' standing, although not a Judge of any High Court, to hold sittings at any place in British India, other than the usual place of sitting of such Court, and other

than any place referred to in the twenty-second, twenty-third and twenty-fourth Sections of this Act, or at several such places by way of circuit. The Barrister acting under such Commission, in the places and manner therein directed, shall have and exercise the same jurisdiction, power and authority as (subject to the provisions hereinbefore contained) would be had and exercised by a Judge of the High Court acting under any such Commission as aforesaid.

**45.** This Act shall commence and come into operation on such date as the Governor General of India in Council shall appoint by notification in the *Gazette of India*.

**46.** This Act shall not extend to the Settlement of Prince of Wales' Island, Singapore and Malacca.

Act not to extend to Straits' Settlement.

### HOME DEPARTMENT.

No. 1327.

*Fort William, the 13th February 1865.*

#### NOTIFICATIONS.

The services of Mr. J. T. Crawford, Junior Civil Servant, are placed at the disposal of the Foreign Department for employment in Oudh.

No. 1432.

*The 15th February 1865.*

Mr. A. M. Monteath, Under Secretary to the Government of India in this Department, returned, on the 13th instant, from the leave granted to him on the 15th of December last, and resumed the duties of his appointment.

No. 1433.

The following promotions are made in the Revenue Survey Department, Upper Provinces, with effect from the 1st January 1865 :—

*Assistant Revenue Surveyor of the 2nd Class to be Assistant Revenue Surveyor of the 1st Class.*

Mr. W. Ellison, 2nd Division, Central Provinces.

*Sub-Assistant Revenue Surveyors of the 3rd Class to be Sub-Assistant Revenue Surveyors of the 2nd Class.*

Mr. W. A. Wilson, 3rd Division, Oudh.

" T. W. Reilly, 3rd " "

" W. S. Buttress, 1st " "

" H. Walsh, 3rd " "

" W. H. Reynolds, North-Western Frontier.

" A. J. Gibson, ditto.

" E. C. Barratt, 4th Division, Central Provs.

*Junior Sub-Assistant Revenue Surveyors to be Sub-Assistant Revenue Surveyors of the 3rd Class.*

Mr. J. E. Swyney, 1st Division, Oudh.

" H. Downman, Left Bank Indus, Scinde.

" E. Little, 1st Division, Central Provinces.

" J. H. Barter, 3rd " "

" H. T. Hanby, 1st " Oudh.

*Probationary Sub-Assistants to be Junior Sub-Assistant Revenue Surveyors.*

Sergeant J. Mills, 2nd Division, Oudh.

" W. Street, 2nd " "

" A. Lawson, 3rd " Central Provinces.

" J. Parker, 4th " ditto.

" J. Guildford, 4th " ditto.

No. 1436.

Mr. E. C. Mason and Mr. C. W. F. Seyers are appointed Junior Sub-Assistants in the Revenue Branch of the Survey Department, the former from the 23rd November, and the latter from the 1st December 1864.

No. 1449.

The Governor General in Council is pleased to attach Messrs. F. J. G. Campbell, W. E. Kinsey, C. F. Magrath, and H. Mosley, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 1450.

The Governor General in Council is pleased to attach Messrs. C. M. Rivaz and J. T. Crawford, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oudh.

No. 1495.

The services of Mr. C. M. Rivaz, Junior Civil Servant, are placed at the disposal of the Foreign Department for employment in the Punjab.

No. 1496.

Mr. C. M. Rivaz, Junior Civil Servant, having, within the prescribed interval after arrival in India, passed Examinations in two languages, has been presented with the authorized donation of Rupees 800.

No. 1497.

Mr. F. J. G. Campbell, Junior Civil Servant, having obtained a Certificate of High Proficiency in Bengali, has been presented with the authorized donation of Rupees 800.

No. 1498.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, the Punjab, and Oudh Mr. G. B. Pasley, of the Civil Service, who reported his return from Furlough on the 13th instant.

No. 1499.

Mr. James C. Robertson, of the Civil Service, has reported his departure from India by the "Simla" on the 10th instant.

No. 1500.

The services of Captain C. MacFarlane, of the Bengal Staff Corps, are replaced at the disposal of the Military Department.

No. 1601.

Lieutenant C. Case, Assistant Commissioner of the 3rd Grade in Oudh, is invested with the powers of a Subordinate Magistrate of the 1st Class, as described in Section 22 of Act XXV. of 1861.



## No. 1502.

Mr. J. Connor, Mr. T. Dunne, and Mr. E. Lincoln are appointed Junior Sub-Assistants in the Revenue Branch of the Survey Department from the 15th February 1865.

## No. 1503.

The Governor General in Council is pleased to extend Act XVIII of 1864 to the Cantonment and town of Kamptee, and to sanction a declaration by the Chief Commissioner that Sections 13 and 14 of the aforesaid Act shall have no force in the Cantonment and town of Kamptee.

The following Officers shall be ex-officio members of the Municipal Committee of the said Cantonment and Town:—

1. The Commissioner of the Nagpore Division.
2. The Brigadier General Commanding the Nagpore Field Force.
3. The Deputy Inspector General of Hospitals, Nagpore Field Force.
4. The Deputy Commissioner of Nagpore.
5. The Assistant Quarter Master General, Nagpore Field Force.
6. The Cantonment Magistrate of Kamptee.

## No. 1504.

Lieutenant G. H. Trevor, R. A., officiated as Inspector of Schools, Eastern Circle, Central Provinces, from the 12th August 1862 to the 20th June 1864.

Notification No. 218, dated the 9th January 1865, is cancelled.

## No. 1505.

The under-mentioned Officer in the Central Provinces is invested with the powers of a Magistrate of the Second Class, as described in Section 22 of Act XXV of 1861:—

Kashee Rao Goojier, Tehseeldar of Kutole, in the Nagpore District.

## No. 1506.

The Governor General in Council is pleased, under Section 39 of Act XXII of 1864, to extend the said Act to the Cantonment of Rangoon, and to invest Captain J. D. S. Bennet, of the 5th Regiment, Madras Native Infantry, Cantonment Magistrate of that Station, with the powers of a Judge of the Court of Small Causes, and with power to try suits under Section 6 of the above Act up to Rs. 400 within the limits of the said Cantonment.

For the purposes of the said Act, the Chief Commissioner of British Burmah is invested with the powers of a Sudder Court as provided for in Act XLII of 1860.

## No. 1507.

Major E. M. Ryan, Deputy Commissioner of the 3rd Grade in British Burmah, to be Magistrate of Rangoon, vice Captain E. B. Sladen.

## No. 1508.

The Governor General in Council has been pleased to appoint Lieutenant Q. S. A. Jamieson, of the 27th Regiment, Madras Native Infantry, an Officiating Assistant Superintendent of Police in British Burmah.

## No. 1509.

Lieutenant G. E. Fryer, appointed Officiating Assistant Commissioner, 3rd Class, in Notification of the Foreign Department, No. 1554 of the 13th December 1864, made over charge of the Office of Superintendent of Police, Sandoway District, to Mr. H. W. Beddy, Deputy Commissioner of that District, on the forenoon of the 7th January.

## No. 1510.

*The 16th February 1865.*

Mr. F. R. Hogg, Post Master General of the Punjab, has obtained privilege leave of absence for six weeks, commencing from the 18th January 1865.

## No. 1511.

*The 17th February 1865.*

The Governor General in Council is pleased to direct the following addition to be made to List No. II, published under date the 29th September 1854, of parties authorized to send letters and official *Gazettes*, *bond fide* and *exclusively* on the Public Service, relating to the business of their respective departments, without actual payment of postage, but only to the authorities hereinafter named, viz:—

The Superintendent of the Office of the Inspector General of Police, North-Western Provinces,

to { Commissioners and Magistrates, North-Western Provinces, in addition to the Officers mentioned in Notification No. 801, dated 24th April 1861.

## No. 1512.

The Governor General in Council is pleased to attach Mr. W. H. Thompson, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

## No. 1513.

Mr. D. Cargill, Assistant District Superintendent of Police, Lucknow, has obtained one month's privilege leave from the 1st of April next, or from such subsequent date as he may avail himself of it.

## No. 1514.

The under-mentioned Civil Assistant and Sub-Assistants of the Topographical Branch Survey Department are promoted from the dates specified opposite their respective names:—

Mr. N. A. Belletty, from Civil Assistant to Senior Civil Assistant, from 1st January 1865.

Mr. T. W. Bobanau, from 3rd to 2nd Class Sub-Assistant, from 1st November 1864.

Mr. J. A. Craven, from 3rd to 2nd Class Sub-Assistant, from 1st January 1865.

## No. 1515.

Three months' privilege leave is granted to Dr. W. F. Goss, Civil Surgeon of Sumbulpore, from the 1st March next, or from such date as he may avail himself of the same.

E. C. BAXLEY,  
Secy. to the Govt. of India.

## FOREIGN DEPARTMENT.

## JUDICIAL.

No. 52.

*Fort William, the 15th February 1865.*

Under the provisions of Section 1, Act I of 1865, His Excellency the Viceroy and Governor General of India in Council is pleased to extend Act 28 of 1860 to the Province of Coorg.

## REVENUE.

No. 72.

*The 18th February 1865.*

Lieutenant F. W. Major, of the Royal Artillery, is appointed to be a Probationary Assistant Superintendent in the Mysore Revenue Survey.

## MILITARY.

No. 70.

*The 16th February 1865.*

Lieutenant G. F. Blowers, Adjutant of the Malwa Bheel Corps, resumed charge of his office from Lieutenant S. C. Mactier on the forenoon of 20th January 1865.

The services of Lieutenant Mactier are replaced at the disposal of the Military Department.

## GENERAL.

No. 355.

*The 18th February 1865.*

Mr. H. Gibson, Assistant Commissioner in Oudh, is promoted from the 3rd to the 2nd Grade, vice Mr. T. Monck Mason, whose services have been placed at the disposal of the Bombay Government.

Mr. H. S. Boys, Officiating Assistant Commissioner, to be Assistant Commissioner, 3rd Class, vice Captain Phaire.

No. 357.

Privilege leave of absence for 3 months is granted to Captain H. F. Bolton, Assistant Commissioner in the Central Provinces, with effect from the date on which he may avail himself of it.

No. 359.

Lieutenant J. C. Berkeley, Officiating 2nd Assistant to the Governor General's Agent for Central India, conducted the duties of Deputy Opium Agent in Malwa, during the absence of Major A. L. McMullin, from the 6th September to the 31st October 1864.

No. 361.

Captain H. A. Browne, Officiating Deputy Commissioner, 3rd Grade, British Burmah, in charge of the Myan Oung District, made over charge of the current duties of his office to Mr. C. Phillips, Extra Assistant Commissioner, on the forenoon of the 8th November 1864, and resumed charge thereof on the forenoon of the 28th idem.

Mr. E. O'Riley, Deputy Commissioner, 2nd Grade, in charge of the Martaban District, made over charge of the current duties of his office to Mr. W. DeCourcy Ireland, Assistant Commissioner, on the forenoon of the 12th December 1864.

Captain W. P. Harrison, Officiating Deputy Commissioner, 3rd Grade, made over charge of the Treasury and District of Tavoy to Lieutenant C. W. Street, Officiating Deputy Commissioner, 4th Grade, on the afternoon of the 23rd December 1864.

Mr. W. H. Beddy, Officiating Deputy Commissioner, 3rd Grade, at Sandoway, returned from the district, and resumed charge of the Treasury and current duties of his office, on the forenoon of the 19th December 1864, from Moung Htoon, Acting Tseetkay.

No. 362.

The Governor General in Council is pleased to permit Assistant Surgeon G. N. Cheke, in medical charge of the Nipal Residency, to resign his appointment from the 1st proximo, and to replace that Officer's services at the disposal of the Military Department.

G. O. No. 189, dated 25th ultimo, is accordingly cancelled.

No. 383.

*The 16th February 1865.*

Mr. W. H. Beddy, Deputy Commissioner of Sandoway, 4th Grade, made over charge of the Treasury in the afternoon of the 7th January 1865, to Moung Htoon, Acting Extra Assistant Commissioner, 2nd Grade.

Mr. G. E. Barr, Officiating Assistant Commissioner, 3rd Grade, made over charge of the Office and Treasury of the Amherst District to Lieutenant Colonel D. Brown, Deputy Commissioner, 2nd Grade, in the forenoon of the 24th December 1864.

No. 384.

The services of Colonel R. G. Taylor, C. B., of the Bengal Staff Corps, are placed at the disposal of the Punjab Government.

No. 386.

Captain F. H. Hammer, of the late 34th Regiment Native Infantry, is appointed to be an Assistant Commissioner in the Central Provinces from the date of Captain T. Wakefield's departure on medical leave.

No. 392.

Mr. H. G. Ross, Assistant Commissioner in Oudh, reported his return to India on the 18th instant, from the sick leave granted him in G. O. No. 592, dated 7th April 1863.

No. 397.

*The 17th February 1865.*

Captain A. R. McMahon, Officiating Deputy Commissioner, 4th Class, British Burmah, and Magistrate of Akyab, has obtained privilege leave of absence for five weeks from the afternoon of the 16th December 1864.

Captain McMahon made over charge of his office to Captain Spilsbury, Deputy Commissioner of Akyab, on the above date.

A. COLVIN,

*Offg. Under Secy. to the Govt. of India.*

## FINANCIAL DEPARTMENT.

No. 847.

Fort William, the 13th February 1865.

## NOTIFICATIONS.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in December 1864, is published for general information :—

	CALCUTTA.			MADRAS.			BOMBAY.		
	Bullion or Coin received during the month valued in Rupees.		Coined and examined during the month valued in Rupees.	Bullion or Coin received during the month valued in Rupees.		Coined and examined during the month valued in Rupees.	Bullion or Coin received during the month valued in Rupees.		Coined and examined during the month valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In December 1864	74,300	9,78,872	41,01,140	5,365	2,38,214	8,25,000	8	.....	40,98,867

No. 848.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Return.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Gold Coin Reserve.
1865.						
Feb. 4th	Calcutta Circle ...	2,90,94,920	1,06,81,775	46,00,000	1,38,68,145	...
" "	Allahabad Branch do.	17,52,410	10,51,740	.....	7,00,000	670
" "	Lahore do. do.	11,27,050	6,25,890	.....	5,00,000	1,160
" "	Nagpore do. do.	3,01,350	1,50,650	.....	1,50,000	700
" "	Madras Circle do. ...	54,00,000	18,96,187	.....	85,03,868	...
" "	Calicut Branch do.	1,09,560	1,09,560	.....	.....	...
" "	Trichinopoly do. do.	1,28,150	1,28,150	.....	.....	...
" "	Vizagapatam do. do.	61,340	61,340	.....	.....	...
" "	Bombay Circle ...	3,60,00,000	1,59,71,997	30,00,000	1,70,28,003	...
		7,39,74,780	3,06,27,239	76,00,000	3,57,45,011	2,530
Deduct—						
	Notes of other Circles cashed at Head Office ...	48,960	48,960	.....	.....	...
	Total ...	7,39,30,820	3,05,88,279	76,00,000	3,57,45,011	2,530

DEPARTMENT OF ISSUE OF PAPER CURRENCY,  
CALCUTTA,  
Dated 8th February 1865.

H. HYDE,  
Head Commissioner, Department of Issue  
of Paper Currency.

No. 884.

*The 16th February 1865.*

Mr. E. F. Harrison, Officiating Deputy Auditor and Accountant General and Civil Pay Master, British Burmah, made over charge of his office to his Chief Assistant, Mr. C. B. Kieruander, on the forenoon of the 8th February 1865.

No. 896.

Mr. W. E. Gordon, Officiating First Assistant Auditor General of India, to be an Auditor of the Accounts of the Administrator General in Bengal.

No. 918.

Mr. H. Ronaldson received charge of the office of Chief Assistant in the Establishment of the Auditor General of India on the forenoon of the 11th February 1865.

No. 948.

*The 17th February 1865.*

Assistant Surgeon H. E. Busteed, Civil Surgeon of Cuddalore, to be Assistant Assay Master of the Madras Mint.

E. H. LUSHINGTON,

*Secy. to the Govt. of India.***MILITARY DEPARTMENT.***Fort William, the 11th February 1865.*

No. 157 of 1865.—Under the authority of the Right Hon'ble the Secretary of State for India, the following Horse Guards Circular No. 135 of the 5th November 1862, is declared applicable to India, and the provisions of Government General Order No. 7 of the 5th January 1853, are hereby cancelled.

**CIRCULAR No. 135.**

Complaints having been made of the frequent loss of medical comforts and Government stores placed on board vessels conveying Troops to or from India, His Royal Highness the General Commanding-in-Chief, with the concurrence of the Secretary of State for War, directs Officers Commanding on board such ships to pay particular attention to the issue and safe custody of those articles.

Medical comforts are placed on board, in charge of the Master, for use during the voyage. They are issued upon the requisition of the Medical Officer and the Officer Commanding the Troops. Any that remain in the possession of the Troops, at the conclusion of the voyage, will be returned to the Master of the vessel, and a receipt taken for them.

Hammocks, blankets, &c., issued to the Troops for the voyage, will be returned in like manner to the Master of the vessel, and a receipt taken.

All deficiencies not accounted for to the satisfaction of a Board of Officers, will be charged to the Troops.

The Officer Commanding on board will be held responsible for the payment of such charges.

(Signed) RICHARD AIREY,  
Quarter Master General.

QR. MR. GENL.'S OFFICE, }  
HORSE GUARDS; }  
The 5th November 1862. }

No. 158 of 1865.—The following Military letter from the Right Hon'ble the Secretary of

State for India, No. 402, dated 24th December 1864, is published for general information:—

MILITARY.

INDIA OFFICE,

No. 402.

*London, 24th December 1864.*

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have to inform you that Her Majesty has been pleased to approve of Major General J. R. Smyth, C. B., being placed upon the Staff of the Army as a Major General, with the view to his Commanding a Division in the Madras Presidency, in succession to Major General W. A. McCleverty, whose period of service will expire on the 1st April 1865.

I have, &c.,  
(Signed) C. WOOD.

*The 18th February 1865.*

No. 159 of 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 403 of the 24th December 1864, is published for general information:—

MILITARY.

INDIA OFFICE,

No. 403.

*London, 24th December 1864.*

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—In my Despatch, dated 8th August 1863, No. 291, paragraph 7, I informed you that I had suggested to the Secretary of State for War, that the Surgeons of the new Brigades of Artillery and new Line Regiments should be supplied from the Indian service as heretofore, until the arrangements for the future organization of the Indian Medical Service shall have been determined upon.

2. I learn from a recent communication from the War Office that the new Line Regiments, with only three exceptions, together with four Brigades of Horse Artillery and nine of Foot serving in India, are reported to be without permanent Surgeons, and that His Royal Highness the Field Marshal Commanding-in-Chief apprehending that serious inconvenience might ensue, has recommended that Surgeons should be at once appointed from the British Establishment to those Brigades and Regiments which are at present unprovided.



3. I have informed Earl de Grey in reply that I considered the time to have arrived when arrangements should be made for appointing Surgeons to the new Brigades of Artillery and new Line Regiments, as vacancies occur in them, from the British Medical Establishment, and I have requested that all present vacancies might be filled up from that establishment without delay.

4. I request that the necessary instructions may be given with a view to carrying into effect this arrangement.

I have, &c.,

(Signed) C. Wood.

No. 160 of 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 411 of the 24th December 1864, is published for general information and guidance:—

MILITARY.

INDIA OFFICE,

No. 411.

London, 24th December 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—With a view to assimilating as nearly as possible the system under which Officers of Her Majesty's Indian Forces are subjected to Medical examination with that which obtains in the British Service at home, Her Majesty's Government have, in communication with His Royal Highness the Field Marshal Commanding-in-Chief, arranged for the formation of a Board of Medical Officers, to be composed of a President, being the present Consulting Physician to this Office, and two members, one to be appointed from among the Officers of the Indian Medical Service, who may be on leave in this country, and the other to be an Officer of the British Medical Department, nominated by the Horse Guards.

2. I request that you will cause it to be notified in General Orders that, in future, it will be necessary for all Officers of Her Majesty's Indian Army, or of the several Staff Corps, being on leave in Europe, who may desire to appear before the Medical Board, with a view of obtaining such certificates as the Regulations of the service may require in their several cases, to apply for permission to do so to the Military Department of this Office.

I have, &c.,

(Signed) C. Wood.

No. 161 of 1865.—The Government General Order No. 98 of the 25th January 1865, permitting Captain A. H. Prinsep, late 4th European Light Cavalry, to resign his appointment in the Punjab Irregular Force, is cancelled.

No. 162 of 1865.—Jemadar Sheik Chote, of the 46th Regiment Native Infantry, (Rattray's Sikhs) is permitted to resign the service from the date of publication of this order at the Head Quarters of the Corps.

No. 163 of 1865.—The under-mentioned Officers having completed twenty years' service, six years of which were on permanent Staff employ, to be Majors, from the dates specified opposite to their respective names, under the Royal Warrant of the

16th January 1861, subject to Her Majesty's approval:—

<i>Bengal Staff Corps.</i>			
Captain W. Paske	...	11th February 1865.	
" P. Maxwell	...	Ditto.	
" J. Leven	...	Ditto.	
" W. Reveley	...	Ditto.	

No. 164 of 1865.—The transfer of Lieutenant H. J. Lawrence from the 1st Punjab Infantry to the 5th Goorkha Regiment, as Doing-duty Officer, announced in the Order issued by the Government of the Punjab, No. 29, dated 3rd instant, is confirmed.

No. 165 of 1865.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Surgeon Major Theodosius Cayley Hutchinson, of the Medical Department.	} For 20 months, under the new Regulations.
Major Henry Lane, of the late 5th European Light Cavalry, Brigade Major, Rawul Pindee.	

The 14th February 1865.

No. 166 of 1865.—His Excellency the Governor General of India in Council is pleased to admit the under-mentioned Native Commissioned and Non-Commissioned Officers and men of Regiments attached to the "Dooar Field Force" to the Order of Merit as specified opposite to their respective names, in consideration of their conspicuous gallantry and personal bravery on the occasion of the capture of the Forts of Dalimkote and Buxa on the 6th December 1864:—

*11th Regiment Native Infantry.*

Havildar Hyat Buksh Khan	...	} 3rd Class "Order of Merit."
Sepoy Kalka Sing	...	

*18th (The Alipore) Regiment Native Infantry.*

Sepoy Gooru Beer	...	} 3rd Class "Order of Merit."

*30th (Punjab) Regiment Native Infantry.*

Jemadar Peer Buksh	...	} 3rd Class "Order of Merit."
Havildar Nizam-ul-Din	...	
Sepoy Khwaja Nur	...	} 3rd Class "Order of Merit."
" Tawakul	...	
" Sundar	...	

*3rd Goorkha Regiment.*

Sepoy Bukht Bir	...	} 3rd Class "Order of Merit."

*Sebundy Sappers.*

Sepoy Siridal	...	} 3rd Class "Order of Merit."
" Safeer	...	

*30th (Punjab) Regiment Native Infantry*

Naik Jamiat Sing is promoted from the 3rd. to the 2nd Class of the "Order of Merit."

No. 167 of 1865.—The under-mentioned Non-Commissioned Officer and Soldiers are admitted to pension as specified opposite to their respective names:—

Sergeant Alexander McLeod, of No. 1 Battery Local Artillery, attached to the Arsenal of Fort William.	} 2s. (two shillings) per diem payable in Europe.
Bombardier James Flynn, of No. 2 Battery Bengal Artillery.	
Gunner John Durraugh, of the Artillery Company, European Invalid Battalion.	} 1s. (one shilling) per diem payable in Europe.

No. 168 of 1865.—The under-mentioned Officers of Royal Engineers, having been placed at the disposal of the Military Department for service with the Dooar Field Force, are directed to report themselves to the Adjutant General for the orders of His Excellency the Commander-in-Chief:—

Captain F. S. Stanton.  
 „ R. de Bourbel.  
 „ W. S. Trevor.  
 Lieutenant C. N. Judge.  
 „ W. J. Heaviside.  
 „ J. Dundas.

*The 15th February 1865.*

No. 169 of 1865.—The services of Assistant Surgeon L. F. Dickson, M. D., are placed at the disposal of the Home Department with effect from the 26th ultimo.

No. 170 of 1865.—The services of Assistant Surgeon J. Picthall are placed at the disposal of the Government of Bengal.

No. 171 of 1865.—In accordance with the 10th paragraph of Government General Order No. 370, dated 1st June 1863, the following promotions are made from the dates specified:—

ORDNANCE COMMISSARIAT DEPARTMENT.

*To be Sub-Conductors.*

Offg. Sub-Cond. Francis Fraser, 24th June 1864.  
 „ „ Thomas Lally, 25th ditto.

No. 172 of 1865.—The following Orders issued by the Resident at Hyderabad, are confirmed:—

No. 21, dated 31st January 1865.—Confirming the Regimental Order issued by the Officer Commanding the 3rd Infantry Hyderabad Contingent, dated the 16th January 1865, directing Lieutenant and paid Doing-duty Officer A. F. Dobbs, 3rd Infantry, Hyderabad Contingent, to officiate as Adjutant to the Corps, in addition to his other duties from the above date, in the room of Lieutenant D. W. Laughton, whose services have been placed at the disposal of the Foreign Department.

No. 22.—Confirming the Regimental Order issued by the Officer Commanding the 2nd Cavalry Hyderabad Contingent, dated the 13th January 1865, appointing Lieutenant G. B. Farrington, to be paid Doing-duty Officer, temporarily, of the Corps from the above date, in the room of Lieutenant Hemans, whose services have been placed at the disposal of the Foreign Department.

No. 173 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Assistant Surgeon Francis } For 2 years,  
 Hugh O'Donnel, M. D., of the } under the new  
 Medical Department, in } Regulations  
 medical charge of the Mey- } embarking at  
 war Bheel Corps. } Bombay.

*The 16th February 1865.*

No. 174 of 1865.—The following promotions and alterations of rank are made, subject to Her Majesty's approval:—

PROMOTIONS.

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 2nd E. L. Cavy.	(1) Lieutenant Theodore William Hogg (20th Hussars).	Captain ...	16th July 1864	Captain Octavius Hamilton, Staff Corps, promoted in Cadre of 2nd European Light Cavalry.
Cadre of the late 9th Native Infantry.	Lieutenant Henry Thomas Oldfield (Captain in the Staff Corps).	Captain ...	19th Jan. 1865	Captain (Brevet Major) A. Crawford, retired.
Cadre of the late 12th Native Infantry.	Captain Patrick George Scot ...	Major ...	23rd .. ..	Major R. R. Adams, Staff Corps, deceased.
	Lieutenant Roderick Boyd Mackenzie	Captain ...		
Cadre of the late 31st Native Infantry.	Captain (Brevet Major) Henry Finch	Major ...	15th .. ..	Lieutenant Colonel S. R. Tickell, Staff Corps, retired.
	Lieutenant Thomas Norris Baker ...	Captain ...		
Cadre of the late 45th Native Infantry.	Lieutenant William Cavendish Bentineck Ryan (Captain in the Staff Corps).	Captain ...	16th July 1864	Captain (Brevet Major) A. S. O. Donaldson, promoted.
Cadre of the late 46th Native Infantry.	Lieutenant Bruce Neilson Smith (Captain in the Staff Corps).	Captain ...	24th Dec. ..	Captain W. P. Conolly, Staff Corps, deceased.
Cadre of the late 48th Native Infantry.	Captain Philip Roe Hockin (Major in the Staff Corps).	Major ...	10th Oct. ..	Major T. Green, retired.
	Lieutenant Ralph Ouseley (Captain in the Staff Corps).	Captain ...		
Cadre of the late 74th Native Infantry.	Lieutenant Roberts William Elton...	Captain ...	24th .. ..	Captain A. P. Mew, retired.

(1) The position of this Officer in the 20th Hussars is in no way affected by this promotion.

## ALTERATIONS OF RANK.

Corps.	Rank and Name.	To rank from	In whose room.
Cadre of the late 2nd Euro. Lt. Cavalry.	Captain A. D. Jennings ...	12th Oct. 1863	Captain R. W. Clifford, 20th Hussars, (Cadre of late 2nd Light Cavalry,) retired.
	Captain Frederick Trench (Lieutenant in 20th Hussars).	19th April 1864	Captain J. Cockerell, struck off having exchanged from the 20th Hussars to the 8th Foot.
Cadre of the late 45th Native Infantry.	Captain (Brevet Major) Robert Chalmers (Staff Corps).	24th Dec. 1863	Captain (Brevet Major) G. C. Blomfield, retired.
	Captain William Winson, (Staff Corps)	14th Jan. 1864	Captain W. F. Stewart, Staff Corps deceased.

No. 175 of 1865.—Assistant Surgeon William Falconer Clark, of the Medical Department, Civil Assistant Surgeon of Tirhoot, was permitted to proceed to Europe on urgent private affairs for six months, without pay, with effect from the 24th May 1864, the date of his departure by the Steam Ship "Rangoon."

No. 176 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Surgeon John Squire, of the { For 3 years, under the old Regulations.

This cancels Government General Order No. 114 of the 27th January 1865, granting this Officer leave on medical certificate to sea, &c., for three months.

No. 177 of 1865.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel Cecil Plowden Trower, of the Bengal Staff Corps, Deputy Judge Advocate General, Presidency Division. { For 20 months.

No. 178 of 1865.—The under-mentioned Officer having completed twenty-six years' service, eight years of which were on permanent Staff employ, to be Lieutenant Colonel from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

*Bengal Staff Corps.*

Major E. A. Rowlatt, 14th February 1865.

No. 179 of 1865.—The under-mentioned Officer having completed twelve years' service, four years of which were on permanent Staff employ, to be Captain from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

*Bengal Staff Corps.*

Lieutenant C. W. Hawes, 13th February 1865.

No. 180 of 1865.—The under-mentioned Non-Commissioned Officer and Soldier of Her Majesty's service are permitted to reside and draw their pay

in India as out-Pensioners of Chelsea Hospital, according to the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions:—

Sergeant Robert Brown, of Her Majesty's 104th Foot.

Private Henry O'Donnell, of Her Majesty's 104th Foot.

No. 181 of 1865.—His Excellency the Governor General in Council is pleased to make the following appointment:—

*Ordnance Department.*

Lieutenant C. Cowie, of the Royal Artillery, to officiate as 3rd Class Commissary of Ordnance, during the absence, on sick leave to Europe, of Lieutenant F. V. Eyre, or until further orders.

*Port William, the 17th February 1865.*

No. 182 of 1865.—The following Extract from the *London Gazette* of the 20th December 1864 is published for general information:—

*India Office, 19th December 1864.*

Her Majesty has been pleased to approve the under-mentioned promotions and alterations of rank amongst the Officers of the Staff Corps, and of Her Majesty's Indian Military Forces:—

**BENGAL.**

The under-mentioned Officer having completed five years' service as Lieutenant Colonel, to be Colonel in the Army, under the operation of Clause 8 of the Royal Warrant of 31st January, 1859:—  
Lieutenant Colonel James Charles Innes, Bengal Infantry. Dated 15th July 1864.

**BENGAL STAFF CORPS.**

*To be Lieutenant Colonels.*

Major Frederick Peter Layard. Dated 11th March, 1864.

Major Edward John Rickards. Dated 27th March, 1864.

*To be Major.*

Captain Hugh Morris Hodgson. Dated 27th July, 1864.

*To be Captain.*

Lieutenant Frederick Jervis Ripley. Dated 29th July, 1864.

## BENGAL ARMY.

## ALTERATIONS OF RANK.

*General List of Cavalry Officers.*

Lieutenant Silas Adair Swinley, to take rank from 24th November 1863.

*General List of Infantry Officers.*

The under-mentioned Officers to take rank from the dates specified :—

Lieutenant Alfred James Stead, from the 18th September, 1863.  
 Lieutenant Frank Bird Morris, from the 22nd September, 1863.  
 Lieutenant Henry Wylie, from the 24th September, 1863.  
 Lieutenant Roderick Fraser Sandeman, from the 26th September, 1863.  
 Lieutenant Edward Millett Forbes, from the 26th October, 1863.  
 Lieutenant Arthur Benjamin Clare, from the 31st October, 1863.  
 Lieutenant George Campbell Napier, from the 1st November, 1863.  
 Lieutenant William Hope Meiklejohn, from the 14th November, 1863.  
 Lieutenant Walter Jones, from the 17th November, 1863.  
 Lieutenant Henry John Lawrence, from the 1st December, 1863.  
 Lieutenant William Loch, from the 6th December, 1863.  
 Lieutenant Richmond Shakespear, from the 10th December, 1863.  
 Lieutenant Binfield Wemyss, from the 14th December, 1863.  
 Lieutenant Robert William Napier, from the 15th December, 1863.  
 Lieutenant Frederick Mills Mallett Harris, from the 17th December, 1863.  
 Lieutenant Allan Scott Roberts, from the 30th December, 1863.  
 Lieutenant Ernest Hunter Chicheley Plowden (resigned), from the 1st January, 1864.  
 Lieutenant Howard Kingscote, from the 2nd January, 1864.

## MEDICAL OFFICERS.

## PROMOTIONS.

*To be Surgeons Major.*

Senior Surgeon John Ransford (retired). Dated 1st October, 1858.  
 Senior Surgeon James Barber (deceased). Dated 1st October, 1858.  
 Surgeon Henry John Thornton, (retired). Dated 1st October, 1858.  
 Surgeon John McClelland (now Officiating Principal Inspector General, Medical Department.) Dated 1st October, 1858.  
 Surgeon Henry Alexander Bruce, M. D. (now an Inspector General of Hospitals). Dated 1st October, 1858.  
 Surgeon James Anderson, M. D. (now a Deputy Inspector General of Hospitals). Dated 1st October, 1858.  
 Surgeon Robert Christie (retired). Dated 1st October, 1858.  
 Surgeon Thomas Leckie, M. D. (retired). Dated 1st October, 1858.  
 Surgeon William Brydon, C. B. (retired). Dated 1st October, 1858.

Surgeon John Wood (retired). Dated 1st October, 1858.  
 Surgeon Alexander Gibbon (retired). Dated 1st October, 1858.  
 Surgeon John Campbell Brown, C. B. (now a Deputy Inspector General of Hospitals). Dated 1st October, 1858.  
 Surgeon James Anderson Staig (retired). Dated 1st October, 1858.  
 Surgeon Alexander Cushine Morison (retired). Dated 1st October, 1858.  
 Surgeon George Rae (retired). Dated 1st October, 1858.  
 Surgeon Andrew Paton (deceased). Dated 1st October, 1858.  
 Surgeon George Charles Wallich, M. D. (retired). Dated 1st October, 1858.  
 Surgeon Thomas Rogers Strover (retired). Dated 1st October, 1858.  
 Surgeon William Pitt (retired). Dated 24th January 1859.  
 Surgeon William Martin (retired). Dated 9th March, 1859.  
 Surgeon William Hamilton Brown Ross (retired). Dated 13th July, 1859.  
 Surgeon Theodore Cantor, M. D. (deceased). Dated 12th September, 1859.  
 Surgeon John Campbell, M. D. and C. B. Dated 22nd December, 1860.  
 Surgeon Archibald White, M. D. (retired). Dated 30th January, 1861.  
 Surgeon Edward Brouncker Thring. Dated 24th April, 1861.  
 Surgeon William Coverdale Beaty Eatwell, M. D. (retired). Dated 11th June, 1861.  
 Surgeon Richard Henry Oakley. Dated 8th January, 1862.  
 Surgeon Henry William Tytler (deceased). Dated 23rd February, 1862.  
 Surgeon James Harrison, M. D. (deceased). Dated 5th April, 1862.  
 Surgeon George Saunders. Dated 23th July, 1862.  
 Surgeon Peter Goodall Lay (retired). Dated 9th September, 1862.  
 Surgeon William Crozier, Fel. U.C. (deceased). Dated 18th September, 1862.  
 Surgeon Henry Cape, F. R. C. S. Dated 30th December, 1863.  
 Surgeon Charles Francis Warneford, M. D. Dated 30th December, 1863.  
 Surgeon Charles Richard Francis, M. B. Dated 16th January, 1864.  
 Surgeon James Stuart Morrieson, M. D. Dated 27th January, 1864.  
 Surgeon Alexander Simpson, M. D., M. A., F. R. C. S. E. Dated 28th February, 1864.  
 Surgeon Henry Bruges Buckle. Dated 18th March, 1864.

*To be Surgeon.*

Assistant-Surgeon Charles Thomas Paske, vice Mountjoy (retired). Dated 8th April, 1864.

The under-mentioned Officers to be Surgeons from 15th June, 1864, to complete the Establishment :—

Assistant-Surgeon William Frederick Blyth Dalzel, M. D.  
 Assistant-Surgeon (Brevet-Surgeon) Samuel Bowen Partridge, Fel. U. C.  
 Assistant-Surgeon William Boyne Butt.  
 Assistant-Surgeon John James Clarke.  
 Assistant-Surgeon George Olaus Baillie, M. D.



Assistant-Surgeon John Edward Tuson, M. D.,  
F. R. C. S.

Assistant-Surgeon Edward Taylor.

Assistant Surgeon Henry William Spry.

Assistant-Surgeon Alfred James Dale, M. B.

Assistant-Surgeon Arthur Young.

Assistant-Surgeon Benjamin Simpson, M. D., A. B.

Assistant-Surgeon George Hickie Daly, M. D.

#### ALTERATIONS OF RANK.

The under-mentioned Officers to take rank from the dates specified, viz. :—

- Surgeon-Major Hubbersty M. Tweddell (retired), from the 1st October, 1858.
- Surgeon-Major Ezra Thomas Downes, from the 1st October, 1858.
- Surgeon-Major Archibald Campbell, M. D. (retired), from the 1st October, 1858.
- Surgeon-Major Malcolm McNeill Rind (deceased), from the 1st October, 1858.
- Surgeon-Major Sir William Brooke O'Shaughnessy, Knight, M. D. and F. R. C. S. (retired), from the 1st October, 1858.
- Surgeon-Major George Paton, M. D. from the 1st October, 1858.
- Surgeon-Major Herman Read Bond (retired), from the 1st October, 1858.
- Surgeon-Major Allan Webb, M. D. (deceased), from the 1st October, 1858.
- Surgeon-Major Stanlake Henry Batson (retired), from the 1st October, 1858.
- Surgeon-Major John Balfour, (retired), from the 1st October, 1858.
- Surgeon-Major Francis Anderson, M. D. (now a Deputy Inspector General of Hospitals), from the 1st October, 1858.
- Surgeon-Major Thomas Watkins Wilson, M. D. (retired), from the 1st October, 1858.
- Surgeon-Major Richard Charles Guise (retired), from the 1st October, 1858.
- Surgeon-Major George Schuyler Cardew (now a Deputy Inspector General of Hospitals), from the 1st October, 1858.
- Surgeon-Major James Alexander Dunbar, M. D. (now a Deputy Inspector General of Hospitals), from the 1st October, 1858.
- Surgeon-Major Richard William Faithfull (deceased), from the 1st October, 1858.
- Surgeon-Major Thomas Allman Wethered (retired), from the 1st October, 1858.
- Surgeon-Major James Alexander Guise (now a Deputy Inspector General of Hospitals), from the 1st October, 1858.
- Surgeon-Major William Shillito, F. R. C. S. (retired), from the 1st October, 1858.
- Surgeon-Major John Macintire (now a Deputy Inspector General of Hospitals), from the 1st October, 1858.
- Surgeon-Major William Jameson, from the 1st October, 1858.
- Surgeon-Major Charles Gould Andrews (retired), from the 1st October, 1858.
- Surgeon-Major Charles Murray Henderson, M. D. (retired), from the 1st November, 1858.
- Surgeon-Major Henry Irwin, F. R. C. S. I. (retired), from the 13th January, 1859.
- Surgeon-Major Henry Benjamin Hinton, from the 14th January, 1859.
- Surgeon-Major Alexander Charles Macrae, M. D. from the 24th January, 1859.
- Surgeon-Major Duncan McRae, (now a Deputy Inspector General of Hospitals), from the 24th January, 1859.
- Surgeon-Major Robert Bancroft Kinsey, F. R. C. S. (now a Deputy Inspector General of Hospitals), from the 17th February, 1859.
- Surgeon-Major Edward Hare (now a Deputy Inspector General of Hospitals), from the 24th February, 1859.
- Surgeon-Major George Harper, from the 29th July, 1859.
- Surgeon-Major George Smyth Mann, F. R. C. S., from the 22nd August, 1859.
- Surgeon-Major Theodosius Cayley Hutchinson, from the 16th October, 1859.
- Surgeon-Major William Shurlock (retired), from the 16th October, 1859.
- Surgeon-Major Edward Campbell, from the 14th November, 1859.
- Surgeon-Major John Macpherson, M. D., and Fel. v. c., from the 4th December, 1859.
- Surgeon-Major Alexander William Crosier, F. R. C. S. (deceased), from the 19th December, 1859.
- Surgeon-Major Thomas Thomson, M. D., from the 21st December, 1859.
- Surgeon-Major Juxon Henry Jones, from the 3rd January, 1860.
- Surgeon-Major James Henry Butler, F. R. C. S., from the 3rd January, 1860.
- Surgeon-Major Frederick John Mouat, M. D., F. R. C. S., from the 3rd January, 1860.
- Surgeon-Major Alfred Howorth Cheke, from the 3rd January, 1860.
- Surgeon-Major Joseph Jowett, from the 20th October, 1860.
- Surgeon-Major Alexander Grant (retired), from the 11th November, 1860.
- Surgeon-Major Charles Bonnor Chalmers, from the 4th December, 1860.
- Surgeon-Major William Keates, from the 25th December, 1860.
- Surgeon-Major Richard Whittall (retired), from the 25th December, 1860.
- Surgeon-Major Herbert Diaper (deceased), from the 25th December, 1860.
- Surgeon-Major John Hilliard, M. D., F. R. C. S. I., from the 8th January, 1861.
- Surgeon John Sutherland, from the 4th February, 1861.
- Surgeon George Edward Morton, M. D., from the 27th February, 1861.
- Surgeon-Major Edward Goodeve, M. B., from the 8th March, 1861.
- Surgeon-Major Charles Lindsay Cox, A. B., F. R. C. S., from the 27th July, 1861.
- Surgeon-Major Daniel James O'Callaghan, from the 8th January, 1862.
- Surgeon-Major Charles Archer, M. D., from the 10th February, 1862.
- Surgeon-Major Samuel Adamson Homan, from the 3rd March, 1862.
- Surgeon-Major John Price Kelly, from the 8th June, 1862.
- Surgeon-Major Thomas Hastings, F. R. C. S., from the 9th September, 1862.
- Surgeon-Major Hugh Martin Macpherson, from the 18th September, 1862.
- Surgeon-Major William Craddock, M. D., F. R. C. S., from the 30th January, 1863.

Surgeon-Major John Barton Harrison, M. D., from the 1st February, 1863.  
 Surgeon-Major Frederick Morrison Clifford, from the 4th April, 1863.  
 Surgeon-Major Joseph Rose, from the 25th May, 1863.  
 Surgeon-Major John Fullarton Beatson, B. A. and M. D., from the 16th June, 1863.  
 Surgeon-Major Charles Hathaway, M. D., from the 10th August, 1863.  
 Surgeon-Major Henry Nathaniel Elton, from the 9th September, 1863.

H. W. NORMAN, Colonel,  
*Secy. to the Govt. of India.*

## PUBLIC WORKS DEPARTMENT.

### REVENUE—FORESTS.

No. 4.

*Port William, the 14th February 1865.*

#### NOTIFICATIONS.

His Excellency the Governor General in Council is pleased to appoint Mr. C. A. Dobbs to be an Assistant Conservator of Forests on probation, in Coorg, with effect from the date of joining.

#### ESTABLISHMENT.

No. 44.

Mr. J. W. Robertson, C. E., is appointed to the Department of Public Works in the grade of an Executive Engineer, 4th Class, and posted to the Central Provinces.

No. 45.

*The 16th February 1865.*

Sergeant W. Ross, Overseer, 2nd Grade, Straits Settlements, is permitted to resign his appointment in the Public Works Department, with effect from the 16th January 1865.

No. 46.

Mr. C. Collins is appointed temporarily an Overseer of the 3rd Grade from the 16th January 1865, vice Sergeant Ross, and posted to the Straits Settlements.

No. 47.

Mr. J. Frankford, Temporary Overseer, 3rd Grade, Straits Settlements, is permitted to resign his appointment in the Public Works Department, with effect from the 21st January 1865.

No. 48.

Mr. J. D'Souza is appointed temporarily an Overseer of the 3rd Grade, and posted to the Straits Settlements, vice Mr. J. Frankford, with effect from the 21st January 1865.

No. 49.

Baboo Sath Cowry Mitter, Overseer, 3rd Grade, British Burmah, is granted six months' leave of absence on medical certificate, with effect from the 10th January 1865.

No. 50.

Major A. Stevens, Superintendent, Transport and Supply Department, Upper Godavery Circle, was

granted twelve months' leave of absence on medical certificate, to the Neilgherry Hills, with effect from the 16th August last, on which date he made over charge of his duties to Mr. E. D. Gronsilliers, Assistant Engineer.

No. 51.

*The 17th February 1865.*

The under-mentioned Overseers of the 2nd Grade, who were appointed to the Department of Public Works, Mysore, in Notification No. 362 of 1864, joined their appointments on the dates opposite their names:—

Corporal R. Green	{ Sappers and	8th August 1864.
J. Heywood	{ Miners.	22nd June 1864.
Mr. J. E. Rodgers		1st July 1864.
J. A. Minchall		6th July 1864.
R. T. Scaldwell		24th September 1864.

No. 52.

The following promotions are made in the Public Works Department under the Local Administrations, with effect from 1st November 1864:—

#### ENGINEER ESTABLISHMENT.

*Executive Engineers, 2nd Class, to be Executive Engineers, 1st Class.*

Captain A. G. Priestley, S.C., Central Provinces.  
 Captain W. R. Johnson, M. S. C., Mysore.

*Executive Engineers, 3rd Class, to be Executive Engineers, 2nd Class.*

Captain E. J. L. Twynam, S. C., British Burmah.

Lieutenant W. H. Campbell, M. S. C., Mysore.  
 Mr. J. S. Heyman, Central Provinces, with effect from the 1st May 1864.

*Executive Engineers, 4th Class, to be Executive Engineers, 3rd Class.*

Major G. R. Phillips, M. S. C., Hyderabad.

Mr. J. Fennessy (Temporary Executive Engineer, 3rd Class) British Burmah, permanent promotion.

*Special Assistant Engineer, to be Executive Engineer, 4th Class.*

Captain A. Francis, M. S. C., Rajpootana.

*Assistant Engineers, 1st Class, to be Executive Engineers, 4th Class.*

Lieutenant P. Montgomerie, R. M., Upper Godavery Works.

Mr. E. Hyde, British Burmah.

Mr. W. D. Bruce, Oudh.

*Assistant Engineer, 1st Class, to be Special Assistant Engineer.*

Mr. R. Tyndall, Central Provinces.

*Assistant Engineers, 2nd Class, to be Assistant Engineers, 1st Class.*

Mr. E. V. Vernon, British Burmah.

Mr. E. B. Medley, Rajpootana Circle.

Lieutenant H. Y. Murray, General List, Cavalry, Oudh.

#### UPPER SUBORDINATE ESTABLISHMENT.

*Sub-Engineer, 3rd Grade, to be Sub-Engineer, 2nd Grade.*

Assistant Commissary W. Smallman, Central Provinces.

*Supervisor, 1st Grade, to be Sub-Engineer, 3rd Grade.*

Conductor G. Cowper, Rajpootana Circle.

*Supervisors, 2nd Grade, to be Supervisors, 1st Grade.*

Sub-Conductor C. Montague, Central Provinces.

Sergeant R. J. Duffy, Oudh.

*Overseers, 1st Grade, to be Supervisors, 2nd Grade.*

Sergeant J. Cooney, Rajpootana Circle.

Sergeant G. Wilkinson, Central Provinces.

Mr. J. Kemp, Mysore.

Luxmon Baggajee, Rajpootana Circle.

*Overseers, 2nd Grade, to be Overseers, 1st Grade.*

Sergeant M. Fitzpatrick, Oudh.

Artificer T. Yates, Central Provinces.

Dhoondoo Anunt, Rajpootana Circle.

Dadoba Tueca Ram, Rajpootana Circle.

Tek Nath Ram Chunder, Rajpootana Circle.

No. 53.

Mr. J. H. Wilson, Assistant Engineer, 1st Class, attached to the Central Provinces, to be Special Assistant Engineer, with effect from the 5th December 1864, vice Mr. W. Lloyd, resigned.

E. C. S. WILLIAMS, Captain, R. E.

*Under Secy. to the Govt. of India.*

### HIGH COURT.

*Leave granted by the Honorable the Chief Justice under para. 3 of the Resolution of the Home Department, dated 6th April 1863.*

Mr. R. Belchambers, Registrar of the High Court of Judicature at Fort William in Bengal in its original jurisdiction, is allowed twenty months' medical leave to Europe, from the 3rd of March 1865, together with 8 days' preparatory leave under paras. 11 and 18 of the New Uncovenanted Leave Rules.

February 17, 1865.

### ADVERTISEMENTS.

#### NOTICE.

Sealed Tenders will be received by the Agent for Gunpowder at Ishapore up to 10 A. M. of the 1st May 1865, and opened at noon the following day, in the presence of attending parties, for the supply of (40,000) Forty thousand maunds of *Peeled Stalk* of the Urhur Dhall wood, the wood to be of the last crop, sound, and free from weevils. The entire supply to be rendered at the Gunpowder Works in three instalments, viz:—

15,000 maunds on the 1st March 1866.

15,000 " " 1st March 1867.

10,000 " " 1st March 1868.

Security Two thousand five hundred Rs. One hundred Rs. (returnable) to be sent with each Tender.

Parties are requested not to enclose Cash for Security in their Tenders but to send it by the hands of the persons who are to be present at the opening of the tenders.

No tender will be opened unless such person appear.

G. E. VOYLE, Lieut.-Col., R. A.,

*Agent for Gunpowder.*

ISHAPORE POWDER WORKS, }  
6th February 1865. }

### Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

The under-mentioned students have passed the honor examination in Arts:—

IN SANSKRIT.

*First Division.*

Nilambur Mookerjee ... Sanserit College.

IN HEBREW.

*First Division.*

H. Blochmann.

IN HISTORY.

*Second Division.*

*In order of Merit.*

Money Lall Sandel ... Doveton College.

Chunder Narain Singh ... Presidency College.

Mohender Nath Mitter ... Do. do.

IN MENTAL AND MORAL PHILOSOPHY.

*Third Division.*

Joygobindo Shome ... Calcutta Free Church Institution.

IN MATHEMATICS.

*First Division.*

Gooroo Doss Banerjee ... Presidency College.

*Second Division.*

Lucky Narain Doss ... Presidency College.

*Third Division.*

Otool Churn Mullick ... Presidency College.

IN NATURAL HISTORY AND PHYSICAL SCIENCE.

*First Division.*

Prosonno Chunder Roy ... Presidency College.

The under-mentioned student has passed the examination in Natural History and Physical Science for the Degree of Master of Arts:—

Peary Mohun Mookerjee ... Presidency College.

J. SUTCLIFFE, M. A.,

*Offg. Registrar.*

The 16th February 1865.

### NOTIFICATION.

The districts of East and West Berar having recently been sub-divided, the following Revised List of Districts comprised in the Hyderabad Assigned Districts is published for the guidance of Treasury Officers, with an intimation that Bills and Remittance Receipts cannot be drawn on the Deputy Commissioners of Maiker and Woon, who have no separate Treasuries attached to their respective Offices:—

*List of Berar Districts.*

Name.	Designation of Officers.
Akolah District	} Deputy Commissioner.
Oomrawuttee ditto	
Maiker ditto	
Woon ditto	

J. ROSE,

*Head Assistant in Charge*

*Depy. Audr. and Acctt.*

*Genl.'s Office, Hyderabad.*

OFFICE OF DEPY. AUDR. AND  
ACCTT. GENL., HYDERABAD,  
Bolarum, 2nd February 1865.

## COMMISSARIAT NOTIFICATION.

I. Under instructions from Government, the Tannery at Hoonsoor, near Mysore, with all fixtures, is to be disposed of, and notice is hereby given that tenders for the same will be received by the Deputy Commissary General at his Office at Madras, up to 12 o'clock noon of Tuesday, the 21st March 1865.

II. The Tannery stands in an enclosed yard about 626 feet long by 473 feet broad, and is situated on the "Lutchmen Treert" River, has an ample supply of water, and comprises—

"Bark and Raw Hide store-rooms,  
"Lime and Bark Pits,  
"Upper-storied Currier's shop,  
"Buff Mill,  
"Work shop,  
"Store Godowns for finished goods,"

with all the other requisite buildings for a business capable of turning out 2,000 Hides a month in the best style.

III. The Tannery will be made over to the successful competitor on the 1st of July 1865, on his complying with conditions hereinafter mentioned.

IV. There is a large quantity of stock, raw and in process of tanning, on hand, which the successful competitor for the Tannery will have the option of taking at a valuation, composed of Australian, Cape, and Country Bullock, Buffaloe, Sheep, and Goat Hides.

V. One-third of the price to be paid down in cash on the acceptance of the successful tenders being declared, and the balance on or before the 1st July 1865.

VI. Should the successful competitor for the Tannery take the stock at a valuation, transfer of the whole property can be made at once on payment of balance of price.

VII. Failing the due fulfilment of this engagement, the purchaser will forfeit the aforesaid third of the purchase money.

VIII. Any further information required can be obtained on application at the Commissary General's Office, or to the Deputy Assistant Commissary General at Hoonsoor, who will show the Tannery.

IX. Intending purchasers must satisfy themselves of the nature and description of the Buildings and Articles. This Department will not be answerable for any errors of description.

By order,

E. E. MILLER, *Lieut. Colonel,*  
*Deputy Commissary General.*

COMMY. GENERAL'S OFFICE, }  
Madras, 21st January 1865. }

## NOTIFICATION.

Whereas much inconvenience and difficulty is experienced in the Loan and Interest Departments of this Office in tracing endorsements and receipts for interest written across the reverse of Government Promissory Notes presented for renewal or interest, notice is hereby given, with the sanction of Government, that in future cross receipts for interest will not be accepted, or further interest paid upon any note the reverse of which is filled up. The holders of notes so filled up can obtain new notes on application to the Loan Office, and on payment of the usual fees.

R. P. HARRISON,

*Acctt. Genl. to the Govt. of India.*

*Just Published*

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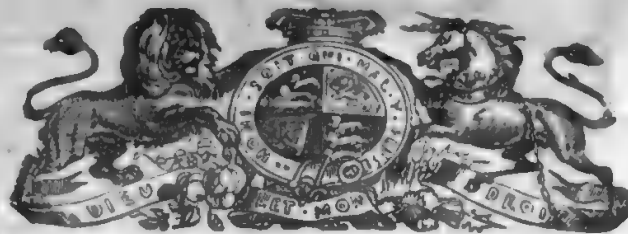
A sale of Sal logs (about 100,000 cubic feet) cut in 1862-63, will take place at noon on the 2nd of March 1865, at Ghuttea Ghaut, on the Sarda, and afterwards at Dhunara Ghaut, two miles further down stream, near the towns of Madho Sunda, Sherepore, and Poorunpore, in the Shajehanpore district; upset price 8 annas per cubic foot. The timber will be sold in both large and small quantities. The timber can be floated to Byram Ghaut for 3 annas a cubic foot, or, after land carriage of some twenty miles, can be floated down the Kumbout Nuddes to the Ganges, then to Cawnpore, Allahabad, Benares, &c. Estimated cost from Ghauts to Cawnpore, 4½ annas per cubic foot. Tenders for quantities over 1,000 cubic feet, at 8 annas per cubic foot, for cash payment, will be accepted up to date of sale. Terms of sale can be had on application to the undersigned.

E. S. WOOD, *Captain,*

*Offg. Conservr., Oudh Forests.*

CAMP, KYREEGURH FOREST, }  
    *via* POORUNPORE, }  
ZILLAH SHAJAHANPORE. }





# SUPPLEMENT TO The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 18, 1865.

## OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

### Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 10th February 1865.

#### PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.  
Major General the Hon'ble Sir R. Napier, K.C.B.  
The Hon'ble H. B. Harington.  
The Hon'ble H. Sumner Maine.  
The Hon'ble W. Grey.  
The Hon'ble H. L. Anderson.  
The Hon'ble J. N. Bullen.  
The Hon'ble Mahārājā Vijayarāma Gajapati,  
Rāj Bahādur of Vizianagram.  
The Hon'ble Rāja Sāhib Dyal Bahādur.  
The Hon'ble G. Noble Taylor.  
The Hon'ble W. Muir.  
The Hon'ble R. N. Cust.  
The Hon'ble Mahārājā Dhiraj Mahtab Chand Bahādur, Mahārājā of Burdwan.  
The Hon'ble D. Cowie.

#### CIVIL AND CRIMINAL COURTS (PUNJAB) BILL.

The Hon'ble Mr. Cust introduced the Bill to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies, and moved that it be referred to a Select Committee, with instructions to report in four weeks. He stated that a copy of the Bill had been forwarded to the

Punjab Government, and that any suggestion received would be carefully considered in Committee.

The Bill was simply declaratory of the existing machinery. As on the occasion of asking leave to introduce the Bill he had stated the object of the Bill, he would not on this occasion trespass further on the time of the Council.

The Motion was put and agreed to.

#### INSURANCE COMPANIES' LIMITED LIABILITY BILL.

The Hon'ble Mr. MAINE introduced the Bill to enable Insurance Companies to be formed on the principle of Limited Liability, and moved that it be referred to a Select Committee with instructions to report in four weeks. He said that he had placed the next motion on the paper, not for the purpose of pressing it, but in order to say that the state and probable progress of business before the Council and its Committees could now be more clearly ascertained than was possible three weeks since, and, on a review of the business, he had come to the conclusion that it was doubtful whether this Bill could pass during the present sittings. He had come to that conclusion with some reluctance, as he could not himself discern a vestige of a reason why these gentlemen who had applied for the Bill should not be placed in this particular in the same position as any seven British subjects at home, and also because he could not help seeing that they had already in India the limited liability of Insurance Companies in a most questionable shape, the limited liability of Companies trading on English register, six thousand miles from the Office of the Registrar of Joint Stock Companies, and therefore, according to his (Mr. Maine's) ideas, not presenting many of those securities which were essential to the proper application of the principle of limitation. Considering, however, that, in view of the discussions proceeding in Committee and impending in Coun-

oil, the Bill could scarcely pass during the period for which the additional Members could reasonably be detained in Calcutta, Mr. Maine thought it would on the whole be more convenient to wait for the measure consolidating the whole law of Joint Stock Companies, which, as he had announced, was contemplated by the Legislative Department. When that measure passed into law, Mr. Maine trusted it would enunciate the general principle with the breadth with which it was enunciated in the English Statute of 1862, that "where any seven persons associated themselves for a lawful purpose, they might form a Company with limited liability."

There was one other point in which he wished to say a few words. He was told that it was supposed that he had announced to the Council a proposition to legalize at once and on his own responsibility commanditarian partnership. He was sure that no Member who was present could for a moment have thought that he spoke in that sense. What he said was that the debates in Parliament had produced a strong impression on his mind that the English Legislature was about to legalize that form of partnership which was called commanditarian partnership; and that the Bill submitted to the House of Commons had been postponed, not because there was serious opposition to it, but because the subject, being somewhat unfamiliar even to the mercantile world at home, required more discussion and ventilation out-of-doors. Mr. Maine had suggested that the same process of external discussion should be followed here, and he had assigned some reasons why this mixture of limited and unlimited liability was in his judgment even more suited to India than to England. Of course the mere legislation on a matter of this kind was the least part of what was required to be done; indeed, the best thing to do would be virtually to transcribe the excellently drawn Bill which had been brought into the British Parliament. But the true question for consideration was the question of principle—whether it was desirable that sleeping partners with limited liability should be allowed to join acting and managing partners with unlimited liability on the condition that the former should register the amount of their advances, and carefully abstain from interfering with the conduct of the business. The general sense and experience of the commercial world ought to decide the point. As, therefore, the Committee, even if named, would probably merge in the Committee on the consolidating Bill, he requested His Excellency to consider the motion as withdrawn.

The Motion was withdrawn.

#### COMMON CARRIERS' BILL.

The Hon'ble Mr. Maine also moved that the Report of the Select Committee on the Bill relating to the rights and liabilities of Common Carriers, be taken into consideration. He said that in this Bill, which he trusted would be a measure of some value to the mercantile and general community, and which certainly seemed to be required by the extension of the business of private carrying, the Select Committee had suggested only two alterations of any importance. The first was in Section 6. When the Bill was last before the Council, he had described the

system of the Bill, which was that of the English law, as follows:—

If the goods for conveyance consisted of any of the articles enumerated in the Schedule, that is, were unusually valuable or unusually perishable, such as gold, jewels, paintings, engravings, or title deeds, the customer, when committing them to the carrier, must give a special description of their character and value, otherwise the carrier would be relieved from liability. On the other hand, the carrier was allowed to charge an additional rate as insurance against the augmented risk, in conformity with a scale of charges to be publicly exposed in his place of business. If, however, the goods were of an ordinary kind, neither unusually valuable nor unusually destructible, the carrier would not be allowed to acquit himself of his obligations merely by putting up a table or board.

Mr. Justice Levinge, however, had called the attention of the Select Committee to an evasion of the rule which was not uncommon in England, and had suggested that the carrier might perhaps cause the coolie who brought the article for carriage to sign or put his mark to some paper, and that would constitute a special contract. Mr. Justice Levinge had, therefore, suggested, and the Select Committee had accepted the suggestion, that, when a special contract limiting the liability of the carrier was signed, the agent signing should be always an agent expressly authorized to bind the customer.

The other amendment was in Section 9, and was not absolutely required, but was adopted for the sake of clearness. It provided that, when a customer was suing a common carrier, the customer should only be bound to prove a contract or delivery, and the non-delivery of the goods at their destination, and then it would be for the carrier to prove that the loss or damage took place under such circumstances as would relieve the carrier from responsibility.

The only other alterations were the insertion of a few words in the Preamble to exclude the Government from the operation of the Bill, and the addition of a Section saving the provisions of the ninth, tenth, and eleventh Sections of Act No. XVIII of 1854 (*relating to Railways in India*).

He begged to move that the report of the Select Committee be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Rájá Sáhib Dyál Bahádúr proposed the addition of the following words to the third Section: "and the carrier or his agent shall thereupon himself personally have such property examined; or if that be impossible, shall have it inspected and the seal affixed to the box or parcel in which such property is contained, and shall on delivery thereof show such seal to be intact."

The custom now prevailing in the country was that jewels and similar valuable property were either shown to the insurer when delivered over to him, and by him when he delivered them over in his turn, or that the seal was affixed to the box in which such valuables were contained, was pointed out to him, and was by him shown to the party receiving delivery from him to be intact. For instance, shawls and such valuable cloths were either packed in the presence of the insurer, or, if given over to him already packed, were sealed, in

which case, the Rájá said, the seal's remaining intact absolved the insurer from responsibility.

The Hon'ble Mr. Maine thought that the Hon'ble Member had overlooked the fact that the particular Section referred to was one protecting the carrier, and enabling him to compensate himself for increased risk by an enhanced rate of charge. A fraudulent declaration of value under the Section by the consignor would in no way bind the carrier.

The Hon'ble the Maharájá of Vizianagram moved as an amendment that the words "Cloths and tissues embroidered with the precious metals or of which such metals formed part" and "Articles of ivory, ebony or sandalwood" should be added to the Schedule."

The amendment was agreed to.

The Hon'ble Mr. Maine then moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### GOVERNMENT FORESTS' BILL.

The Hon'ble Mr. Maine also presented the Report of the Select Committee on the Bill to give effect to Rules for the management and preservation of Government Forests.

#### CIVIL JUSTICE BILL.

The Hon'ble Mr. Maine also presented the Report of the Select Committee on the Bill for the improvement of the Administration of Civil Justice in respect of Suits of small value.

#### REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. TAYLOR, in moving for leave to introduce a Bill to amend Act XVI of 1864 (to provide for the Registration of Assurances), said that only two amendments on the present law were proposed. The first had reference to Section 40 of the Act, which provided that an abstract of every original instrument affecting immoveable property registered in the Office of the Deputy Registrar, should be sent in duplicate to the District Registrar. This Section of the Act as it now

stood, was so far defective that, while it prescribed the course to be followed by the District Registrar in respect of one of the duplicate abstracts sent to him, it omitted to say what he was to do with the other. A Section of the Draft Bill supplied this omission. But the main object of the Bill was to provide for the appointment of a Deputy Registrar General to perform the duties of the Registrar General during his absence on duty from the place where the General Registry Office was established. This provision was required to enable the Registrar General to leave his head-quarters and occasionally visit the Offices in the Mofussil, without causing inconvenience to that section of the public who might prefer to register in the General Office rather than in the Office of the District Registrar.

The obvious benefit that would result from the personal visits of the Chief of the Department to his subordinates in the interior could not be better described than in the words of the Registrar General himself, who, after the experience he had already gained of the working of the Act, wrote, "I am convinced, from seeing the Offices near Calcutta, that an hour's talk with the registering Officer does more good in correcting errors that might otherwise become inveterate, and explaining some of the difficult points of the system, than can be done by any amount of correspondence."

This desirable object would be attained if the Draft Bill became law.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies—The Hon'ble Messrs. Harington, Maine, Muir, and Cust.

The Council then adjourned.

WHITLEY STOKES,

*Offg. Asst. Secy. to the Govt. of India,*

*Home Dept. (Legislative.)*

CALCUTTA,

The 10th February 1861. }

## PUBLIC WORKS DEPARTMENT.

## Platelaying in the Punjab Railway.

## Progress Report of Platelaying for the month ending December 1864.

	Miles.	Chains.		Platelaying required.	PREVIOUSLY		THIS MONTH		TOTAL		
					Linked in.	Completed.	Linked in.	Completed.	Linked in.	Completed.	
DISTRICT No. 1.					M. C.						
From	...	72	Main Line at Lahore Station	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
To	31	65	Umritsar Station ... ..								
DISTRICT No. 2.											
From	...	72	Main Line at Lahore Station	53 8	53 8 0	53 8 0	.....	.....	53 8 0	53 8 0	
To	54	...	" towards Mooltan								
DISTRICT No. 3.											
From	54	...	Main Line ... ..	56 0	45 0 0	0 4 0	11 0 0	.....	56 0 0	0 4 0	
To	110	...	" towards Mooltan								
DISTRICT No. 4.											
From	110	...	Main Line ... ..	56 0	56 0 0	22 0 0	.....	12 0 0	56 0 0	34 0 0	
To	166	...	" towards Mooltan								
DISTRICT No. 5.											
From	166	...	Main Line ... ..	54 30	54 50 0	50 30 0	.....	.....	54 50 0	50 30 0	
To	220	30	Sher Shah Terminus, 11½ miles beyond Mooltan Station. ....								
Total for Main Line					250 31	239 51 0	156 35 0	11 0 0	12 0 0	260 51 0	168 35 0
Station Yards and Sidings (§)					30 67	15 35 97	13 19 97	.....	.....	15 35 97	13 19 97
Total					281 18	255 6 97	169 54 97	11 0 0	12 0 0	266 6 97	181 54 97

LAHORE,  
27th January 1865. }

J. HARRISON,  
Chief Engineer.

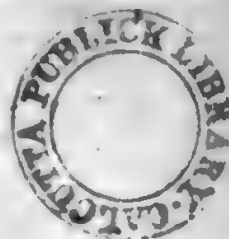
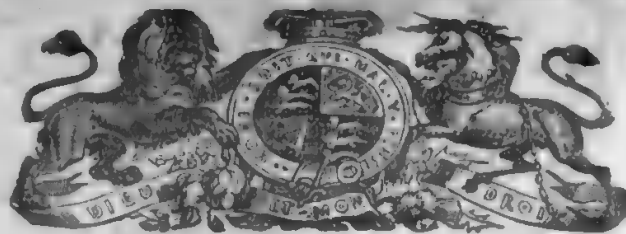
\* In previous returns the 55th mile had been erroneously included by District Engineer in No. 2, instead of in No. 3 District; error now corrected.

† The road laid with pot sleepers and a portion of wood sleepers; road require ballasting.

‡ Excess of 20 Chains above figured requirement due to additions to meet changes of the landing places at Sher Shah Ghat.

§ Also five miles of tramway to ballast mound, and two sets of points and crossings hitherto returned under this head, but not included in the total of 30 miles 67 chains. It is therefore omitted in this return.





# SUPPLEMENT TO The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 25, 1865.

## OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

### Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 17th February 1865.

#### PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.

The Hon'ble H. B. Harington.

The Hon'ble H. Sumner Maine.

The Hon'ble Sir C. E. Trevelyan, K. C. B.

The Hon'ble W. Grey.

The Hon'ble H. L. Anderson.

The Hon'ble J. N. Bullen.

The Hon'ble Mahārājā Vijayarāma Gajapati, Rāj Bahādūr of Vizianagram.

The Hon'ble Rāja Sāhib Dyāl Bahādūr.

The Hon'ble G. Noble Taylor.

The Hon'ble W. Muir.

The Hon'ble R. N. Cust.

The Hon'ble Mahārājā Dhīraj Mahtab Chand Bahādūr, Mahārājā of Burdwan.

The Hon'ble D. Cowie.

#### CALCUTTA GREAT JAIL BILL.

His Honour the Lieutenant Governor of Bengal introduced the Bill to remove the Great Jail of

Calcutta from the control of the Sheriff, and transfer it to that of the Government of Bengal, and moved that it be referred to a Select Committee, with instructions to report in two weeks. He said that some time ago, when he asked for leave to introduce the Bill, he had explained to the Council in a few words the reason which had led to its introduction, and the objects which it was intended to effect. It was, therefore, unnecessary to trouble the Council with any further observations.

The Motion was put and agreed to.

#### ADMINISTRATOR GENERAL'S BILL, 1865.

The Hon'ble MR. MAINE applied to His Excellency the President to suspend the Rules for the Conduct of Business, to enable him to introduce the Bill to exempt the estates of deceased Officers and Soldiers delivered over to the Administrator General of Bengal, Madras, or Bombay, from the operation of the twenty-sixth Section of Act VIII of 1855. He said that he had no hesitation in asking His Excellency to suspend the rules in reference to this Bill. It was a formal Bill intended to make the law in this country consistent with the law in England, which of course would, in the present case, override the former.

The President declared the Rules suspended.

The Hon'ble MR. MAINE then introduced the Bill and moved that it be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill be passed.

The Motion was put and agreed to.

#### MARRIAGE ACT AMENDMENT BILL.

The Hon'ble MR. ANDERSON presented the Report of the Select Committee on the Bill to pro-

vide for the solemnization of Marriages in India, of persons professing the Christian Religion.

The Hon'ble Mr. ANDERSON also applied to His Excellency the President to suspend the Rules for the Conduct of Business. He said that he asked His Excellency to do this because the Roman Catholic community felt great anxiety that the Bill should be passed. It would have been passed a month ago had not the Select Committee received a telegram from the Government of Madras, requesting that the Bill might not become law until after the arrival of some suggestions regarding the existing Act, XXV of 1864. Those suggestions had since been received and fully considered.

The President declared the Rules suspended.

The Hon'ble Mr. ANDERSON then moved that the Report be taken into consideration. He said that in performing this duty, it would not be necessary for him to occupy the attention of the Council for more than a few moments. He was happy to say that he had reason to think that the amended Bill had met with the entire satisfaction of the Roman Catholic community, at whose instance the Bill had been introduced, and had therefore attained its principal object. The Select Committee had also proposed to extend Part V of the original Act to all Native Christians, instead of confining it as before only to Converts to Christianity.

The Committee had also proposed to repeal the old Act, XXV of 1864, and to incorporate its provisions with those of the amended Bill. In doing this, it had two objects in view; first and principally, for convenience and facility of reference—and in this he would remark the Committee had followed the course recommended by the Secretary of State—and next, because, by taking the old Act off the Statute Book, it would remove all cause of irritation that might be felt by the Roman Catholic community on the ground that their interests had not originally received proper consideration from the Council.

He had stated that the Select Committee had received a telegram from the Madras Government, intimating that they had some suggestions to make with reference to the Bill. The Committee had since received this communication, which, he must say, was a most clear and able paper. Many of the suggestions which it contained had been anticipated by the Committee: others had been adopted in the Bill. With regard to others, the Committee after full discussion had not deemed it expedient to introduce them into the Bill, although they were proper suggestions and well worthy of consideration. The suggestions of the Madras Government which had been adopted were these—first, that licenses granted to Ministers to solemnize marriages should be rendered revocable at the discretion of the Local Governments; and secondly, and principally, that the law in this country should be assimilated to the law of England. This latter suggestion had been effected by slightly altering the text of the old Act which they had incorporated into the new one, to the effect that those marriages alone should be null and void which were performed by persons other than those authorized under this Bill to perform them. With these observations, he begged to move that the report of the Select Committee be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Mr. HARRINGTON, with the permission of His Excellency the President, moved the following amendment: That the reference in the 64th Section to "The High Courts' Criminal Procedure Amendment Act, 1865," which had not yet been passed, should be omitted, and that the last sentence of the Section should stand thus:—"In every case in which an European British subject shall be charged before a Justice of the Peace or Magistrate at any place beyond the local limits of the ordinary original civil jurisdiction of the High Court with any offence under this Act, such charge shall be investigated, and the committal and trial for such offence shall be made and held, according to the rules by which the Criminal procedure of the High Court may from time to time be regulated."

The Motion was put and agreed to.

The Hon'ble Mr. ANDERSON then moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### ACT XXXI OF 1860, CONTINUANCE BILL.

The Hon'ble Mr. MAINE presented the Report of the Select Committee on the Bill to continue Act XXXI of 1860.

The Hon'ble Mr. MAINE also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble Mr. MAINE then moved that the Report be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Mr. MAINE also moved that the Bill be passed.

The Motion was put and agreed to.

#### SUCCESSION AND INHERITANCE (PARSEES') BILL.

The Hon'ble Mr. ANDERSON in moving for leave to introduce a Bill to define and amend the Law relating to Succession and Inheritance among the Parsees said:—"I have the honor, Sir, to move for leave to introduce a Bill to define and amend the law relative to inheritance and succession among the Parsees.

"In performing this duty, I am seeking to acquit myself of the obligation imposed upon me of submitting to the Council the requirements of the Parsees as exhibited in their Draft Code. I have already introduced a Bill relative to Marriage and Divorce, and I now ask leave to introduce one relative to Inheritance and Succession.

"I trust that I shall be able to satisfy the Council that the change which the proposed Bill contemplates is not one of an extensive character. The principal provision will be the reduction of the share of female relative, in succession to intestate property.

"I should mention that in 1836, the Parsees were compelled to petition the Government of India to be relieved from the operation of the English law of primogeniture in relation to succession to immoveable property. When the Recorder's Court (afterwards the Supreme Court) was established in Bombay, its Charter was framed in ac-

cordance with that of the Calcutta Court. Due provision was at the time made, that succession to the property of Hindús and Mahommedans should be regulated according to the law and usages of persons professing those forms of religious faith. But the fact was overlooked, that there was in Western India, and especially in Bombay, a race which was neither Christian, Hindú, nor Muhammadan. The inconvenience arising from this omission was not felt for some years, as family disputes were usually arranged among the Parsees themselves; but when such differences became the subject of suits in the Supreme Court, it was then ascertained that Parsees being neither Hindús nor Muhammadans, succession by them to freehold property in the Island of Bombay must be regulated by the English law of primogeniture. This being utterly opposed to their feelings and usages, they applied to the Supreme Government for relief, and Government in its legislative capacity, after due enquiry, passed an Act (IX of 1837) which provided 'that all immoveable property situate within the jurisdiction of any of the Courts established by His Majesty's Charter shall, as far as regards the transmission of such property on the death and testacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, be taken to be and to have been of the nature of chattels real and not of freehold.'

"I mention these facts because they indicate the difficulties with which Parsees have had to contend, and prove that the Government of India has not declined on a former occasion to afford them relief. The Parsees now seek to be exempted from what will probably soon be the law of British India as to the right of females to share equally with males in succession to intestate property. The Council is aware that the first Chapter of the Indian Civil Code, the Chapter which relates to inheritance and succession, is now under the consideration of the Select Committee. It will be my object to exempt the Parsees from the operation of a few Sections of that measure, but I cannot at present make the provisions necessary for this purpose in the proposed Bill, because that Chapter has not yet become law. I, therefore, for the sake of saving time, ask leave to introduce the Bill, and if permitted to do so, I shall hereafter move in Committee that the Parsees be relieved from the operation of certain Sections in the Civil Code relative to intestate property, the law as to succession to such property being regulated in their case by the measure now in contemplation.

"I ought to explain, more for the information of the Parsees themselves than for that of this Council, that the course thus sketched out will, I believe, be far more conducive to their best interests, than the enactment of the Code which they have prepared, in its integrity. They have sought in that Code to regulate bequests by will, as well as to provide for succession to intestate property. It is my duty plainly to state my opinion that this part of their Code would not work. It is hopeless to expect that, if the highest legal intellects have found it impossible to deal with the subject of Wills in less than some three hundred Sections, such a subject can be disposed of in three or four Sections of the Parsee Code. There is nothing in the part of the Indian Civil Code relating to Wills which is inconsistent with Parsee feelings and usages, except so far that Parsees are generally averse from all testamentary arrangements. I

would therefore leave them subject to the general provisions of the admirable Civil Code which has recently been introduced, and only exempt them from a few particular Sections relative to intestate property which are opposed to their social and religious usages.

The Parsee scheme of distribution of intestate property is briefly this:—

To the widow twice as much as each daughter:

To each son twice as much as the widow.

For example, if there be a widow, two sons and two daughters, the property would be divided into twelve equal shares, of which each son would take four, the widow two, and each daughter one.

I should here mention that a difference of opinion exists upon this point between the Parsees of Bombay and those of the Mofussil. The latter would give:—

Twelve annas in the Rupee to the sons:

Two annas in the Rupee to the widow; and

Two annas in the Rupee to the daughters.

Some, however, would give a little more to the females. Sir Joseph Arnould's Commission, after taking a great deal of evidence, reported in favour of the scale proposed in the Bill I ask leave to introduce, which is that recommended by the Parsees of Bombay. I do not consider that this difference of opinion should suggest any difficulty to the Council. Apart from the undoubted facts that the Parsees of Bombay constitute the great numerical majority of the race, and that they, in a still more marked degree, represent the wealth and intelligence of the community, I would point out that the question practically before the Council will be whether the Parsees shall be exempted from the operation of a law which gives females an equal share with males in succession to intestate property. The scale proposed in the Bill therefore presents a less divergence from the standard of the Civil Code than that which is advocated by the Parsees of the Mofussil. I shall have no hesitation, then, in recommending it for the sanction of the Council, and I should mention that the Parsees of the Mofussil have most emphatically stated that they altogether prefer the distribution proposed in the Bill to that which is laid down by the English law.

"The only other provision in the Bill of any importance is, that a table of proximity of relationship has been framed in according with Parsee usages, which differs in some respects from that proposed in the Indian Civil Code.

"To prevent any possible misapprehension, I should state that the present measure has been prepared by the Parsees themselves. It will require some verbal modifications to render its operation complete and effective, but my object at present is to show that I have not come forward to advocate what I may deem on theoretical grounds the interests of the Parsees, but that I am merely submitting to the Council a measure proposed by the Parsees themselves, and which they have now for several years urged on the attention of the Government of India and of Her Majesty's Secretary of State.

"I have the honor, Sir, to move for leave to introduce a Bill to define and amend the law relative to inheritance and succession among the Parsees."

The Motion was put and agreed to.

## HIGH COURTS CRIMINAL JURISDICTION BILL.

The Hon'ble MR. MAINE presented the Report of the Select Committee on the Bill to amend the Procedure of the High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than their usual place of sitting. He said that this Bill, of which one of the objects was to dispense with the services of the Grand Jury, provided, as originally framed, for the extension to the Mofussil of the system now in force in the Presidency Towns, under which a great part of the Criminal Procedure of the High Court was regulated by Rules of Court—Rules made under an Act of Parliament. But the Secretary of State and the majority of the Judges of the High Court had given their opinion, that advantage might usefully be taken of this opportunity to settle many of these matters in the Mofussil by express legislation. He did not suppose that the amendments suggested by the Committee differed widely from the Rules which would have been made if the Bill had not been altered. But as they constituted a considerable addition to the length of the measure, he thought they should be seen by the Public before the Bill was passed.

The Hon'ble MR. MAINE then moved that the Report and Bill as amended in Committee be published for three weeks in the *Gazette of India*.

The Motion was put and agreed to.

## REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. TAYLOR applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble MR. TAYLOR then introduced the Bill to amend Act XVI of 1864 (to provide for the Registration of Assurances). He said that in consequence of a communication which had just been received from the North-West Provinces, and also in consequence of several suggestions having come in from other quarters, he thought it desirable to postpone for a short time the passing of the Bill. Instead, therefore, of moving that the Bill be passed, he would, with His Excellency's permission, move that it be referred to a Select Committee with instructions to report in one week.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to remove the Great Jail of Calcutta from the control of the Sheriff, and transfer it to that of the Government of Bengal—His Honour the Lieutenant Governor, and the Hon'ble Messrs. Harington, Maine, Bullen, Taylor, and Cowie.

On the Bill to amend Act XVI of 1864 (to provide for the Registration of Assurances)—the Hon'ble Messrs. Harington, Maine, Taylor, and Muir.

The Council then adjourned.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

CALCUTTA,  
The 17th February 1865. }





# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 25, 1865.

Home Department.

## LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th February 1865, and is hereby promulgated for general information:—

Act No. II of 1865.

*An Act to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere.*

Whereas it is expedient to provide for the better maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere; It is enacted as follows:—

1. In this Act the singular number includes the plural, and the plural number includes the singular.  
"Number."
2. The proprietor of any estate situated in any District to which the provisions of this Act may be extended, shall have authority to assess and collect, for the purposes of this Act, a sum not exceeding one rupee per annum from the occupant of every house upon such estate. It shall be competent to the Collector of the District acting under the orders of the local Government to determine what buildings shall be held to be a separate house for the purposes of this Act.
3. The sum so assessed shall be held to fall due, in advance for the coming Revenue year, with the first instalment of agricultural rents payable in the vicinity in that year, and may be realized under the law for the time being in force in such vicinity relating to the recovery of rent. Provided that no person shall be liable to be ousted from his house for non-payment of any assessment leviable under the last preceding Section. Complaints

against proprietors for unlawful collection of such assessments shall be treated as falling under Clause 3, Section 23, Act X of 1859.

4. Sections 12, 13, 14, and 15 of Regulation IX of 1833, shall be applicable to assessments under this Act.

5. Any person assessed under Section 2 of this Act may, by petition on unstamped paper, complain to the Collector of the District against such assessment, on the ground of inability to pay the same; and the Collector shall be competent to abate, or wholly to remit, the assessment, if he shall be of opinion that the circumstances of the complainant render such abatement or remission proper.

6. It shall be lawful for the Collector or for any Officer making settlements of Land Revenue, to assess upon any estate, as aforesaid, a sum to be contributed yearly by the proprietor for the purposes of this Act, not exceeding the aggregate of the house assessments in any such estate, less ten per cent. Such assessment shall be over and above any Municipal cess or percentage levied on the Land Revenue for similar purposes.

7. The sum so assessed shall, subject to the sanction of the local Government, be liable to be altered from time to time in conformity with the foregoing provisions.

8. The provisions of this Act shall be applicable to Maafee and Nuzerana Estates. Besides the assessments made by the Collector under Section 6 of this Act, it shall be lawful to levy upon the Maafedars, or (where a sub-settlement shall have been made) on the sub-proprietors, or on the Nuzeranadars, a Municipal cess not exceeding two rupees twelve annas per cent. of the jumma at which their estates would have been rated if not held under a Maafee or Nuzerana title.

**9.** The local Government may determine by what instalments and at what times, the assessments payable under Sections 6 and 8 shall be paid. Any arrear of such assessments may be realized by the same processes and under the same rules as arrears of Land Revenue.

**10.** Assessments realized under this Act shall be appropriated, under the orders of the local Government, to the payment of the Village Police or to any other purpose connected therewith. Any surplus that may remain shall be at the disposal of the local Government for sanitary purposes or any other purpose of general improvement within the District in which the amount is collected.

**11.** Every proprietor or other person in whom the right of nomination of Village Watchmen is vested, shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of Watchman on his Estate; and the person so nominated shall after due enquiry be appointed or rejected by the Magistrate of the District at his discretion, or by any Officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy or of the rejection of a nominee, the proprietor or other person in whom the right of nomination is vested shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding Rupees fifty, and in default of payment to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate of the District shall proceed to appoint a person to the vacancy.

**12.** Any Village Watchman appointed under this Act may be required to perform, within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V of 1861; and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer subject to the provisions of such Act and guilty of neglect or disobedience, as the case may be.

**13.** The Lieutenant-Governor of the North-Western Provinces may extend the provisions of this Act to any part of the Territories within his jurisdiction. Provided that this Act shall have no operation in any village to which Act No. XX of 1856, or any other special Municipal Law shall have been extended, so long as such Act or Law shall continue in force in such village.

**14.** Subject to the proviso contained in the last preceding Section, the Governor-General of India in Council may extend the provisions of this Act to any Province under the immediate administration of the Government of India. Subject to the like proviso, the Lieutenant-Governor of the Punjab may also extend the provisions of this Act to any part of the Territories under his government.

**15.** From the date of any such extension, so much of any Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with or repugnant to this Act, shall cease to have effect in such Territories.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 14th February 1865, and is hereby promulgated for general information:—

### ACT NO. III OF 1865.

*An Act relating to the rights and liabilities of Common Carriers.*

Whereas it is expedient not only to enable Common Carriers to limit their liability for loss of or damage to property delivered to them to be carried, but also to declare their liability for loss of or damage to such property occasioned by the negligence or criminal acts of themselves, their servants or agents; It is enacted as follows:—

**Short Title.** 1. This Act may be cited as "The Carriers' Act, 1865."

**Interpretation Clause.** 2. In this Act, unless there be something repugnant in the subject or context—

"Common Carrier" denotes a person, other than the Government, engaged in the business of transporting for hire property from place to place by land or inland navigation for all persons indiscriminately.

"Person" includes any association or body of persons, whether incorporated or not.

Words in the singular number include the plural, and words in the plural include the singular.

**3.** No Common Carrier shall be liable for the loss of or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act, unless the person delivering such property to be carried, or some person duly authorized in that behalf, shall have expressly declared to such Carrier or his agent the value and description thereof.

**4.** Every such Carrier may require payment for the risk undertaken in carrying property exceeding in value one hundred rupees and of the description aforesaid, at such rate of charge as he may fix: Provided that, to entitle such Carrier to payment at a rate higher than his ordinary rate of charge, he shall have caused to be

exhibited in the place where he carries on the business of receiving property to be carried, notice of the higher rate of charge required, printed or written in English and in the vernacular language of the country wherein he carries on such business.

**5.** In case of the loss of or damage to property exceeding in value one hundred rupees and of the description aforesaid, delivered to such Carrier to be carried, when the value and description thereof shall have been declared and payment shall have been required in manner provided for by this Act, the person entitled to recover in respect of such loss or damage shall also be entitled to recover any money actually paid to such Carrier in consideration of such risk as aforesaid.

The person entitled to recover in respect of property lost or damaged may also recover money paid for its carriage.

In respect of what property liability of Carrier not limited or affected by public notice.

**6.** The liability of any Common Carrier for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any public notice; but any such Carrier, not being the owner of a railroad or tramroad constructed under the provisions of Act XXII of 1863 (to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken) may, by special contract, signed by the owner of such property so delivered as last aforesaid or by some person duly authorized in that behalf by such owner, limit his liability in respect of the same.

Carriers, with certain exceptions, may limit liability by special contract.

Liability of owner of railroad or tramroad constructed under Act XXII of 1863, not limited by special contract.

In what case owner of railroad or tramroad answerable for loss or damage.

**7.** The liability of the owner of any railroad or tramroad constructed under the provisions of the said Act XXII of 1863, for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any special contract; but the owner of such railroad or tramroad shall be liable for the loss of or damage to property delivered to him to be carried only when such loss or damage shall have been caused by negligence or a criminal act on his part or on that of his agents or servants.

Liability of owner of railroad or tramroad constructed under Act XXII of 1863, not limited by special contract.

In what case owner of railroad or tramroad answerable for loss or damage.

Notwithstanding anything hereinbefore contained, every Common Carrier shall be liable to the owner for loss of or damage to any property delivered to such Carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the Carrier or any of any of his agents or servants.

**8.** Notwithstanding anything hereinbefore contained, every Common Carrier shall be liable to the owner for loss of or damage to any property delivered to such Carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the Carrier or any of any of his agents or servants.

Common Carrier liable for loss or damage caused by neglect or fraud of himself or his agent.

Such loss or damage shall have arisen from the negligence or criminal act of the Carrier or any of any of his agents or servants.

**9.** In any suit brought against a Common Carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, it shall not be necessary for the plaintiff to prove that such loss, damage or non-delivery was owing to the negligence or criminal act of the Carrier, his servants or agents.

Plaintiff's in suits against Common Carriers for loss, damage or non-delivery not required to prove negligence or criminal act.

Plaintiff's in suits against Common Carriers for loss, damage or non-delivery not required to prove negligence or criminal act.

**10.** Nothing in this Act shall affect the provisions contained in the ninth, tenth and eleventh Sections of Act No. XVIII of 1854 (relating to Railways in India).

Saving of provisions of Sections 9, 10 and 11 of Act XVIII of 1854.

provisions contained in the ninth, tenth and eleventh Sections of Act No. XVIII of 1854 (relating to Railways in India).

## SCHEDULE.

Gold and Silver Coin.  
Gold and Silver in a manufactured or unmanufactured state.  
Precious Stones and Pearls.  
Jewellery.  
Time Pieces of any description.  
Trinkets.  
Bills and Hundi.  
Currency Notes of the Government of India or Notes of any Banks, or Securities for payment of money, English or Foreign.  
Stamps and Stamped paper.  
Maps, Prints and Works of Art.  
Writings.  
Title Deeds.  
Gold or Silver Plate or Plated articles.  
Glass.  
China.  
Silk in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.  
Shawls and Lace.  
Cloths and tissues embroidered with the precious metals or of which such metals form part.  
Articles of ivory, ebony, or sandal-wood.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd February 1865, and is hereby promulgated for general information:—

## ACT NO. IV OF 1865.

An Act to exempt the Estates of deceased Officers and Soldiers delivered over to the Administrator General of Bengal, Madras or Bombay, from the operation of the twenty-sixth Section of Act No. VIII of 1855.

WHEREAS under or by virtue of the twenty-sixth Section of Act No. VIII of 1855 (to amend the Law relating to the Office and Duties of Administrator-General), the Administrator-General of each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay is entitled to receive a commission at the rates respectively therein mentioned upon the amount or value of the assets which he shall collect and distribute in due course of administration; And whereas by the twenty-first Section of "The Regimental Debts Act, 1863," it is declared that an Administrator-General shall not be entitled to take, and it shall not be lawful for him to take, a percentage on the property of an Officer or Soldier dying on service exceeding three per centum on the gross amount coming to his hands if preferential charges have been previously paid, or on the gross amount

Preamble.

remaining in his hands after payment by him of preferential charges, as the case may be; It is enacted as follows:—

**1. In this Act—**

The term "Officer" means a Commissioned Officer of Her Majesty's Army or of Her Majesty's Indian Army.

The term "Soldier" means a Soldier of Her Majesty's Army or European Soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.

**2. From and after the passing of this Act,** the twenty-sixth Section of Act No. VIII of 1855 shall not apply to cases in which the property of an Officer or Soldier dying on service shall come to the hands of the Administrator-General.

General of any of the said Presidencies, under the ninth or the twelfth Section of "The Regimental Debts Act, 1863;" and such Administrator-General shall not be entitled to take, and it shall not be lawful for

him to take, a percentage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of this Act, if preferential charges, as defined by the fourth Section of the said Statute, have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

**3. This Act shall be called "The Administrator General's Act, 1865."**

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1865, and is hereby promulgated for general information:—

**ACT NO. V OF 1865.**

*An Act to provide for the solemnization of Marriages in India of persons professing the Christian Religion.*

Whereas it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows:—

**Preliminary.**

**1. This Act may be cited as "The Indian Marriage Act, 1865."**

**2. This Act shall extend to all the territories that are or shall become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better Government of India," and shall commence and come into operation on the first day of May 1865.**

**3. From and after the commencement of this Act, Act No. XXV of 1864 is repealed except as to the recovery and application of any penalty for any offence which shall have been committed before such commencement.**

**4. In this Act, unless there is something repugnant in the subject or context—**

"Church of England" and "Anglican" mean and apply to the United Church of England and Ireland as by law established.

"Church of Scotland" means the Church of Scotland as by law established.

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head.

"Church" shall include any Chapel or other building generally used for public Christian worship.

"Minor" means a person who has not completed the age of twenty-one years.

"Native Christians" includes the Christian descendants of Natives of India converted to Christianity as well as such converts.

"Section" means a Section of this Act.

"Month" and "Year" respectively mean month and year reckoned according to the British calendar.

And, in any part of British India in which this Act shall operate, "Local Government" shall mean the person authorized to administer Executive Government in such part.

**PART I.**

*As to the persons by whom marriage may be solemnized.*

**5. From and after the commencement of this Act no marriage between persons one or both of whom shall profess the Christian Religion, shall be solemnized, unless in accordance with the provisions of the next following Section.**

By whom to be solemnized. **6. Marriages may be solemnized in India—**

(1.) By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which such person is a Minister.

(2.) By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland.

(3.) By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic., cap. 40, or of Act V of 1852 (for giving effect to the provisions of an Act of Parliament



passed in the 15th year of the reign of Her present Majesty entitled an Act for Marriages in India) of the Governor-General of India in Council.

(4.) By any Minister of Religion who, under the provisions of this Act, has obtained a license to solemnize marriages.

(5.) By any person who, with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act, a license to grant certificates of marriage.

7. From and after the commencement of this Declaration and Act, the declaration and certificate no longer required by the Statute required. 58 Geo. III, cap. 84, and Act XXIV of 1860 (for the solemnization of marriages in India by ordained Ministers of the Church of Scotland) of the Governor-General of India in Council, shall be no longer required.

8. From and after the commencement of this Act the Governor-General of India in Council, the Governors of Madras and Bombay in Council, the Governor of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the Lieutenant-Governors of Bengal, the North-Western Provinces and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories under the immediate administration of such Governor-General, or subject to such Governors and Lieutenant-Governors respectively, and to revoke such licenses, whether they shall have been granted before or shall be granted after the passing of this Act.

9. From and after the commencement of this Act, all marriages which shall be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth Sections, shall be null and void.

10. All marriages which shall have been solemnized in India before the commencement of this Act by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, shall, if not otherwise invalid, be deemed valid to all intents and purposes.

## PART II.

As to the mode of solemnizing Marriages under this Act.

11. In every case of intended marriage between persons one or both of whom shall profess the Christian Religion, otherwise than—

1.—Under the provisions of the Statute 14 and 15 Vic., cap. 40, or of the said Act V of 1852: or

2.—By a Clergyman who has received episcopal ordination according to the rites, rules, ceremonies and customs of the Church to which he belongs: or

3.—By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies and customs of that Church: or

4.—By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of Part V of this Act—

One of the persons intending marriage shall give notice in writing according to the form contained in the Schedule A to this Act annexed or to the like effect, to the Minister of Religion whom he or she shall desire to solemnize the marriage, and shall state therein the name or names, and the profession or condition, of each of the persons intending marriage, the dwelling place of each of them, and the time (not being less than four days) during which each has dwelt there, and the Church or private dwelling in which the marriage is to be solemnized. Provided that if either of such persons shall have dwelt in the place stated

Proviso. in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church, unless he shall have received a special license authorizing him to do so from and under the hand and seal of the Anglican Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the same Bishop may sanction.

12. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the same Church. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate therein, who shall thereupon cause the same to be so published and affixed as aforesaid.

13. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion on receiving the notice prescribed in the eleventh Section shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own Office.

14. When one of the persons intending marriage (not being a widow or widower) is a minor, every such Minister as aforesaid who shall receive such notice, and who shall not forthwith return it to the person delivering the same under the twelfth Section shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

15. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

**16.** If there be more Marriage Registrars than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent to such Senior Marriage Registrar, who, on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, cause a copy thereof to be sent to each of the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, as aforesaid.

**17.** Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made:

*Provided* that no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf.

**18.** When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that either of the persons intending marriage, not being a widower or widow, is a minor, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

**19.** Before any such certificate as aforesaid shall be issued by any such Minister, one of the persons intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or both of the parties, not being a widower or widow, is or are a minor or minors, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is or are no person or persons resident in India having authority to give such consent, as the case may be.

**20.** The father, if living, of any minor not being a widower or widow, or, if the father be dead, the guardian of the person of such minor and, in case there be no such guardian, then the mother of such minor, shall have authority to give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

**21.** Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid,

at any time before the issue of such certificate, by notice in writing to such Minister, subscribed by the person so authorized with his name and place of abode, and his or her position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

**22.** If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the marriage is not authorized by law so to do, or until the said notice be withdrawn by the person who gave it.

**23.** When any Native Christian about to be married shall take a notice of marriage to a Minister of Religion, or shall apply for a certificate from such Minister under the seventeenth Section, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and if not, shall translate or cause to be translated such notice or certificate to such Native Christian into his language, or into some language which he understands.

**24.** The certificate to be issued by such Minister as aforesaid, may be in the form contained in the Schedule B to this Act annexed, or to the like effect.

**25.** After the issue of the certificate by such Minister of Religion, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister shall think fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses.

**26.** Whenever a marriage is not solemnized within two months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and a certificate thereof issued in the manner aforesaid.

**27.** Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the persons married, or of the consent of any person whose consent to such marriage is required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

## PART III.

*As to the time for solemnizing Marriages.*

**28.** Every marriage solemnized in India from Hours between and after the commencement of this Act by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening: Provided that this Section shall not apply to a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Anglican Bishop of the Diocese or his Commissary; and it is hereby declared that for such special license the Registrar of the Diocese shall be entitled to charge such additional fee as such Bishop may sanction: Provided also that this Section shall not apply to a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he shall have received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall so be solemnized, or from such person as the same Bishop shall have authorized to grant such license.

Proviso.

of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Anglican Bishop of the Diocese or his Commissary; and it is hereby declared that for such special license the Registrar of the Diocese shall be entitled to charge such additional fee as such Bishop may sanction: Provided also that this Section shall not apply to a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he shall have received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall so be solemnized, or from such person as the same Bishop shall have authorized to grant such license.

## PART IV.

*As to the Registration of Marriages in India.*

**29.** All marriages solemnized in India from Marriages with and after the commencement of this Act between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852, shall be registered in the manner hereinafter prescribed: Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Proviso.

**30.** Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule C to this Act annexed.

**31.** Every Clergyman of the Church of England shall send four times in every year Returns in duplicate, authenticated by the nature of such Clergyman, of the entries in the Register of Marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject or within the limits of which such Station or District shall be situated. Such Quarterly Returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September,

and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Local Government.

**32.** Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall be solemnized; and such person shall forward quarterly to the Secretary to the Local Government Returns of the entries of all marriages registered by him during the three months next preceding.

**33.** Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in the thirtieth Section for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of the Church of Scotland in the territory subject to the Local Government, Returns similar to those prescribed in the thirty-first Section for Clergymen of the Church of England, of all marriages solemnized by him.

**34.** After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England nor of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form contained in the Schedule D to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

**35.** The entry of such marriage in both the certificate and Marriage Register Book shall be signed by the person by whom the said marriage has been solemnized and also by the persons married, and shall be attested by two credible witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

**36.** The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one month from the time of the solemnization of such marriage to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Regis-

Such certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.

Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Regis-

trars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall transmit all the certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic., cap. 40, but distinct therefrom.

**37.** Such copies shall be entered in order from the beginning to the end

Copies of certificates to be entered and numbered.

of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

**38.** The Marriage Registrar shall also add

Registrar to add number of entry of copy to the certificate, and send same to Government.

such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall at the end of every month transmit the same to the Secretary to the Local Government.

**39.** The person solemnizing any such marriage as is provided for in Part

Custody and disposal of Register Book of Marriages solemnized under Part V of this Act.

V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said district, who shall keep safely the same, and shall make therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said district; and the person having the control of the book at the time when it shall be filled, shall send the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government to be kept by him with the records of his Office.

**40.** The Secretary to the Local Government

Transmission of certificates of certain marriages to Secretary of State for India.

shall, at the end of every quarter in each year, select from the certificates of marriages forwarded to him during such quarter, the certificates of the marriages of which the Governor-General of India in Council may desire that evidence shall be transmitted to England, and forward the same certificates signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths and Marriages.

**41.** Any person charged with the duty of registering any marriage, who

Correction of errors.

shall discover any error to have been committed in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or

absence, in the presence of two other credible witnesses who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof; and in case such certificate shall have been already transmitted to the Secretary to the Local Government, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

**42.** Every person solemnizing a marriage under this Act and hereby required to register the same, and

Searches may be made and copies of certificates given.

every Marriage Registrar or Secretary to a Local Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, for every search extending over a period of not more than one year, the sum of one Rupee, and four annas additional for every additional year, and the sum of one Rupee for every single certificate.

**43.** All fees received under the provisions of this Act by a Marriage

Appropriation of fees.

Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

**44.** Every certified copy, purporting to be signed by the person entrusted

Certified copy of entry in Marriage Register, &c., to be received as evidence of marriage without further proof.

under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

**45.** Nothing contained in this Part shall

These provisions not to apply to Registers or certificates of certain marriages solemnized by Marriage Registrars.

apply to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852.

**46.** Every Marriage Registrar hereafter appointed under the provisions

Marriage Registrars to be Christians and may be appointed *ex-officio*.

of Act V of 1852 shall be a Christian, and may be so appointed either by name or as holding any office for the time being.



## PART V.

*As to the Marriage of Native Christians.*

**47.** And whereas it is expedient to make provision for the marriage of

Power to license persons to grant certificates of Marriage between Native Christians.

Native Christians to whom the provisions of the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852 are found not to be suitable, it is further enacted that it shall be lawful for the Local Government or the Chief Commissioner of any Province, to issue a license to any person being a Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians. Any such license may be revoked by the Government or Chief Commissioner by whom it was granted; and every such grant or revocation shall be notified in the Official Gazette.

**48.** It shall not be a necessary preliminary to the grant of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of the parties to such marriage, or that any certificate should have been issued of any notice having been given under the provisions of the said Act V of 1852 or otherwise; and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be

Certificate may be given without previous notice of marriage.

Conditions. this Act if the following conditions be fulfilled, and not otherwise:—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

(2.) The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

(3.) Neither of the persons intending to be married shall have a wife or husband still living:

(4.) In the presence of the person so licensed and of at least two credible witnesses, each of the parties shall say to the other—

“I call upon these persons here present to witness that I, A. B., in the presence of Almighty God and in the name of our Lord Jesus Christ do take thee, C. D., to be my lawful wedded wife (or husband),” or words to the like effect:

(5.) Such declaration shall be made between the hours of six in the morning and seven in the evening.

**49.** When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be

On marriage (the conditions having been fulfilled), licensed person to grant a certificate thereof.

the duty of the person licensed as aforesaid, in whose presence the said declaration shall have been made, to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage, as conclusive evidence of the same marriage having been performed, and no evidence to the contrary shall be received in any such suit.

**50.** All marriages performed between Native Christians as aforesaid, in accordance with the provisions of the forty-eighth Section, shall be valid.

**51.** A Register Book of all marriages of which certificates shall be granted under the forty-eighth Section shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the Local Government or Chief Commissioner shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the Local Government or Chief Commissioner shall direct.

**52.** Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be

Searches to be allowed in the Register Book.

made in such book in his custody, and shall give a copy certified under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is to say—for every search extending over a period not exceeding two years the sum of eight annas, and two annas additional for every additional year.

**53.** This Part of this Act shall not apply to marriages between Roman Catholics. But nothing herein contained shall be construed to invalidate any marriage contracted between Roman Catholics under the provisions of Part V of the said Act No. XXV of 1864.

## PART VI.

*As to Penalties.*

**54.** Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852, or by this Act, for the purpose of procuring any marriage, shall be guilty of the offence described in the hundred and ninety-third Section of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

**55.** Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in the hundred and fifth Section of the Indian Penal Code, and shall on conviction be liable to the punishment prescribed in that Section.

**56.** Whoever, not being authorized under the sixth Section to solemnize a marriage shall, from and after the commencement of this Act, in the absence of a Marriage Registrar of the District in which such marriage is solemnized, knowingly and

Punishment for a person not duly authorized, solemnizing a marriage.

wilfully solemnize a marriage between persons one or both of whom shall profess the Christian Religion, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine; or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years; or if the offender be a European or American, to penal servitude according to the provisions of Act XXIV of 1855 (to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts).

**57.** Whoever shall, from and after the commencement of this Act, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine.

**58.** The provisions of the last preceding Section shall not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he shall have received the general or special license in that behalf mentioned in the twenty-eighth Section.

**59.** Any Minister of Religion licensed to solemnize marriages under this Act, who shall, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnize a marriage, when one of the parties to such marriage, not being a widower or widow, is a minor, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

**60.** Whoever, being a Marriage Registrar appointed under the provisions of the said Act V of 1852, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the same Act without publishing or affixing in some conspicuous place the notice of such marriage as directed by such Act; or after expiration of two months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage, or shall, without an order of a competent Court

authorizing him to do so, solemnize any marriage when one of the persons intending marriage (not being a widow or widower) is a minor, before the expiration of fourteen days after the receipt of such notice as is required by the same Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar, or shall issue any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

**61.** Whoever, being a person authorized under the provisions of this Act to solemnize a marriage, and not being a Clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Anglican Bishop of the Diocese or a Surrogate duly authorized in that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of that Church, or not being a Clergyman of the Church of Rome solemnizing a marriage according to the rules, rites, ceremonies and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two months after the certificate shall have been issued by him; or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the District; or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue; or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to four years, and shall also be liable to fine.

**62.** Whoever not being licensed to grant a certificate of marriage under Part V of this Act, shall grant such certificate, intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

**63.** Whoever shall willfully destroy or injure or cause to be destroyed or injured any such Register Book, or any part thereof, or any such authenticated extract therefrom as aforesaid, or shall wilfully insert or cause to be inserted any false entry in any such Register Book or authenticated extract, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

**64.** Persons tried for offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session as defined in the same Code: Provided that no European British subject shall be liable to be tried for any offence punishable under this Act except before a Judge of the High Court. In every case in which an European British subject shall be charged before a Justice of the Peace or Magistrate at any place beyond the local limits of the ordinary original Civil Jurisdiction of the High Court with any offence under this Act, such charge shall be investigated, and the committal and trial for such offence shall be made and held

according to the rules by which the Criminal Procedure of the High Court may from time to time be regulated.

**65.** Except as provided in the last preceding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act: Provided that a summons shall ordinarily issue in the first instance, and that all offences punishable under this Act shall be bailable.

**66.** The Supreme Court of Judicature in the Settlement of Prince of Wales' Island, Singapore and Malacca shall have power to try offences punishable under this Act and committed within the limits of such Settlement. The charge for any such offence shall be investigated and the committals shall be made under the procedure by which such Court shall from time to time be regulated. The penalties (if any) imposed on persons charged as aforesaid shall correspond as nearly as may be with the penalties which might have been imposed on such persons had the Indian Penal Code been then in force in the said Settlement.

## SCHEDULE A—(See Section 11.)

*Notice of Marriage.*

To the Reverend John Brown, a Minister of the Free Church of Scotland, at Calcutta.

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	Widower.	Carpenter.	Of full age.	16, Clive Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.	.....	Minor.	20, Hastings' Street.	More than a month.		

Witness my hand, this sixth day of July, one thousand eight hundred and sixty-five.

(Signed) James Smith.

(The *Italics* in this Schedule are to be filled up as the case may be and the blank division thereof is only to be filled up when one of the parties lives in another District.)

## SCHEDULE B—(See Section 24.)

*Registrar's Certificate.*

I, the Reverend John Brown, Minister of the Free Church of Scotland at Calcutta in Bengal, do hereby certify, that on the sixth day of July 1865, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of James Smith, one of the parties (that is to say),

Names.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	Widower.	Carpenter.	Of full age.	16, Clive Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.	.....	Minor.	20, Hastings' Street.	More than a month.		

and that the declaration required by Section 19 of "The Indian Marriage Act, 1865, has been duly made by the said (James Smith).

Date of notice entered sixth July 1865.

Date of certificate given twentieth July 1865.

The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this Twentieth day of July one thousand eight hundred and sixty-five,

(Signed) John Brown,

Minister of the Free Church of Scotland.

This Certificate will be void unless the marriage is solemnized on or before the twentieth day of September 1865.

(The *Italics* in the Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)



*Form of Register of Marriages.*

The Archdeaconry of ... { *Calcutta,*  
*Madras,*  
*Bombay,*

*Signature of Registrar.*

Registrar of the Archdeaconry of { *Calcutta,*  
 { *Madras,*  
 { *Bombay.*

MARRIAGES solemnized at { Allahabad,  
Barrackpore,  
Bareilly,  
Calcutta, &c., &c.

[illegible]



The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd February 1865, and is hereby promulgated for general information :—

**ACT No. VI of 1865.**

*An Act to continue Act No. XXXI of 1860.*

**WHEREAS** Act No. XXXI of 1860 (*relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases*), is limited to expire on the first day of October 1865; and whereas it is expedient to continue such Act for a limited period; It is enacted as follows :—

**1.** Act No. XXXI of 1860 shall continue in force until the first day of October 1866.

**2.** This Act may be cited as "The Arms' Short Title. Act Continuance Act, 1865."

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th February 1865, and is hereby promulgated for general information :—

**ACT No. VII of 1865.**

*An Act to give effect to rules for the management and preservation of Government Forests.*

**WHEREAS** it is expedient that Rules having the force of law should be made from time to time for the better management and preservation of Forests wherein rights are vested in Her Majesty for the purposes of the Government of India; It is enacted as follows :—

**1.** In this Act, unless there be something repugnant in the subject or context—  
Interpretation clause.

"Government Forests" shall mean such land covered with trees, brushwood, or jungle, as shall be declared in accordance with the second Section of this Act to be subject to its provisions.

"Magistrate" shall mean the Chief Officer charged with the Executive administration of a district or place in criminal matters by whatever designation such officer is called, and shall include any person invested by the Local Government with the powers of a Magistrate or of a subordinate Magistrate as defined in the Code of Criminal Procedure with a view to the exercise by him of such powers under this Act.

And in every part of British India in which this Act operates, "Local Government" denotes the persons authorized to administer Executive Government in such part, and includes the Chief Commissioner of any part of British India under the immediate administration of the Governor-General of India in Council whenever such

Chief Commissioner is authorized by the Governor-General in Council to exercise the powers of a Local Government under this Act.

**2.** The Governor-General of India in Council within the Provinces under his immediate administration, and the Local Governments within the Territories under their control, may, by notification in the Official Gazette, render subject to the provisions of this Act, such land covered with trees, brushwood, or jungle, as they may define for the purpose by such notification: Provided that such notification shall not abridge or affect any existing rights of individuals or communities.

**3.** For the management and preservation of any Government Forests or any part thereof in the Territories under their control, the Local Governments may, subject to the confirmation hereinafter mentioned, make Rules in respect of the matters hereinafter declared, and from time to time may, subject to the like confirmation, repeal, alter, and amend the same. Such Rules shall not be repugnant to any law in force.

What may be provided for by Rules made in pursuance of this Act. **4.** Rules made in pursuance of this Act may provide for the following matters :—

First.—The preservation of all growing trees, shrubs, and plants within Government Forests or of certain kinds only—by prohibiting the marking, girdling, felling, and lopping thereof, and all kinds of injury thereto; by prohibiting the kindling of fires so as to endanger such trees, shrubs, and plants; by prohibiting the collecting and removing of leaves, fruits, grass, wood-oil, resin, wax, honey, elephant's tusks, horns, skins and hides, stones, lime, or any natural produce of such Forests; by prohibiting the ingress into and the passage through such Forests, except on authorized roads and paths; by prohibiting cultivation and the burning of lime and charcoal, and the grazing of cattle within such Forests.

Second.—The regulation of the use of streams and canals passing through or coming from Government Forests or used for the transport of timber or other the produce of such Forests—by prohibiting the closing or blocking up for any purposes whatsoever of streams or canals used or required for the transport of timber or Forest produce; by prohibiting the poisoning of or otherwise interfering with streams and waters in Government Forests in such a manner as to render the water unfit for use; by regulating and restricting the mode by which timber shall be permitted to be floated down rivers flowing through or from Government Forests and removed from the same; by authorizing the stoppage of all floating timber at certain Stations on such rivers within or without the limits of Government Forests for the purpose of levying the dues or revenues lawfully payable thereon; by authorizing the collecting of all timber adrift on such rivers, and the disposal of the same belonging to the Government.

Third.—The safe custody of timber the produce of Government Forests—by regulating the manner in which timber, being the produce of Government Forests, shall be felled or converted; by prohi-

biting the converting or cutting into pieces or burning of any timber, or the disposal of such timber by sale or otherwise, by any person not the lawful owner of such timber, or not acting on behalf of the owner; by regulating the manner in which property-marks shall be affixed to timber and other Forest produce in Government Forests; by prohibiting the affixing of property-marks to timber by any person not the owner of the timber or acting on behalf of the owner so long as such timber shall be within certain territorial limits, or shall be in transit on certain rivers; by prohibiting within certain territorial limits the effacing or alteration of property-marks on timber; by prohibiting, within such limits, the use of the property-marks employed by the Government, or the fraudulent use of the property-marks of private persons; by requiring the registry within certain territorial limits of implements for affixing property-marks on timber; by directing the levying of fees for the registration of such implements.

Fourth.—The regulation of the duties of the Government Officers and establishments charged with the management and conservancy of Government Forests and with the levy of Forest dues and revenues—by prohibiting their engaging in any employment or office other than their duties as public servants; by fixing penalties for the wilful neglect of the Rules laid down for the guidance of such persons in all matters connected with the guarding of the boundaries of the Forests, the marking, girdling or felling of trees, the marking and passing of timber, the reporting and preventing of offences against the Rules made in pursuance of this Act and the collecting of Forest dues or revenues.

5. In cases where the penalty of confiscation is not provided by this Act, the

Power to Local Government to prescribe punishments for infringement of Rules.

Local Government may prescribe punishments for the infringement of Rules made in pursuance thereof, by fine not exceeding five hundred rupees, and in default of payment of such fine may provide for the imprisonment of the offender for such term as is mentioned in the sixty-seventh Section of the Indian Penal Code.

6. Such Rules when confirmed by the Gov-

Rules when confirmed and published to have the force of law.

ernor-General in Council and published in the Official Gazette shall have the force of law.

7. All implements used in infringing any of

Confiscation in case of infringement of Rules.

the Rules made in pursuance of this Act, and all timber or other Forest produce, removed or attempted to be removed, or marked, converted, or cut up contrary to such Rules, shall be confiscated.

8. Any Police Officer or person employed

Arrest and seizure in case of infringement of Rules.

as an Officer of Government to prevent infringement of the Rules made in pursuance of this Act may arrest any person infringing any of such Rules, and may seize any implements used in such infringement, and any timber liable to confiscation under this Act.

9. Any person arrested on the ground that he

Procedure in case of arrest.

has committed an infringement of such Rules shall forthwith be taken before a Magistrate,

who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of.

10. Where the doing of any act is made pun-

The causing or procuring a punishable act to be done is punishable in the same manner as the doing of the act.

ishable by this Act, or by any of the Rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

11. When any timber or other property shall

Procedure in respect of property seized as liable to confiscation.

be seized as liable to confiscation under this Act any Magistrate or Officer empowered to enforce penalties under this Act within the district or division of a district wherein the same may be seized, may, upon information, summon the person in possession of such timber or other property, and upon his appearance, or in default thereof, may examine into the cause of the seizure of such timber or other property, and may adjudge the same to be confiscated and sold on account of the Government.

12. Any Police Officer or Officer of Gov-

Penalty for vexatious seizures and arrests.

ernment who shall vexatiously and unnecessarily seize the goods or chattels of any person under the pretence of seizing property liable to confiscation, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment of either description as defined in the Indian Penal Code for a term not exceeding three months.

13. All fines and penalties under the Rules

Enforcement of confiscations and penalties under Rules.

made in pursuance of this Act shall be enforced by a Magistrate in the manner prescribed by the Code of Criminal Procedure, and the Rules therein contained for the trial of cases and for appeals shall be applicable to confiscations adjudged under this Act.

14. When the confiscation of any property

Property on confiscation to vest in Her Majesty.

shall be adjudged under the last preceding Section, the same shall thereupon belong to and vest in Her Majesty, and a Warrant shall be issued by the Court to a Police Officer directing him to hold the property confiscated at the disposal of the Local Government.

15. When any confiscation or penalty shall be

Remission of penalties.

adjudged under this Act, the local Governments may, within three months after final judgment, call for the proceedings of the case, and, if they shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof, and direct that the offender be discharged.

16. No suit or other proceeding shall be com-

Limitation of suits under this Act.

menced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit or other proceeding and of the cause thereof; nor after the expiration of three months from the accrual of the cause of suit or other proceeding.



**17.** No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

**18.** This Act shall extend to all the Territories under the immediate administration of the Government of India and under the Governments of Bengal, the North-Western Provinces and the Punjab; and it shall be lawful for the Governors in Council of Madras and Bombay respectively, by notification in the Official Gazette, to extend this Act to the Territories under their respective Governments.

**19.** This Act shall come into operation on the first day of May 1865, and may be cited as "The Government Forests Act, 1865."

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th February 1865, and is hereby promulgated for general information:—

#### ACT NO. VIII OF 1865.

*An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil jurisdiction.*

Whereas it is expedient to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original Civil jurisdiction, and to indemnify the Sheriff of the said High Court and others in respect of such imprisonment; It is enacted as follows:—

**1.** All arrests made subsequently to the establishment of the High Court of Judicature at Fort William in Bengal and before the passing of this Act, in execution of any process issued by the said Court in the exercise of its ordinary original Civil jurisdiction, and the detention and imprisonment of all persons so arrested shall for all purposes be deemed to be and always to have been as valid and effectual as if such arrests, detentions and imprisonments had been in accordance with the provisions of the Code of Civil Procedure.

**2.** No suit or proceeding shall be maintained in any Court on the ground that any such arrest, detention or imprisonment, as referred to in the preceding Section, and thereby made valid and effectual, was illegal or invalid by reason of its not having been in accordance with the Code of Civil Procedure or of the omission of the Sheriff or Deputy Sheriff of the said High Court to conform to any of the provisions of the said Code.

**3.** The Governor in Council of Fort Saint George, and the Governor in Council of Bombay, may by an order to be published in the Official Gazettes of Madras and Bombay respectively, extend this Act so as to apply to arrests, imprisonments and detentions under process issued by the High Court of Judicature at Madras, and the High Court of Judicature at Bombay, respectively, on or before the first day of March 1865. When so extended this Act shall in all respects apply to each of the said High Courts in the same manner as if the names of such Courts had appeared in this Act wherever the name of the High Court of Judicature at Fort William in Bengal appears.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 3rd February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

#### No. 3 of 1865.

*A Bill to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits.*

Whereas, before the introduction of the Code of Civil Procedure into the Province of Oude, the jurisdiction in suits relating to the title or succession to land in the said Province, or to the possession of land, or to any right in respect of any land, was vested exclusively in the Courts of Revenue and in the Financial Commissioner, and, after that office became vacant, in the Chief Commissioner; and whereas since the introduction of the said Code of Civil Procedure doubts have arisen whether such suits are cognizable by the ordinary Civil Courts in the first instance, and by the Judicial Commissioner on appeal, or by the Revenue Courts in the first instance, and on appeal by the Chief Commissioner, or Financial Commissioner whose office has now been revived; and whereas it is expedient to remove such doubts and to enlarge the period of limitation within which certain classes of suits may be entertained under this Act; It is enacted as follows:—

**1.** In the construction of this Act, except when the contrary appears by the context—

Interpretation Clause.

Words in the singular number shall include the plural, words in the plural number shall include the singular, and words denoting the masculine gender shall include the feminine.

"Courts of Revenue" include Officers employed in making or revising Settlements.

"Courts of Revenue."

**2.** In any District in the Province of Oude in which a Settlement of the land revenue is being made, all suits of whatever description arising in such District relating to the title or succession to land, or to the possession of land, or to any right in respect of any land shall, during the period of such Settlement and for such further period thereafter as the Governor-General of India in Council, by a notice to be published in the Official Gazette, may appoint, be cognizable in the first instance in the Courts of Revenue of the said Province, and in the last resort upon appeal or revision by the Financial Commissioner. The Governor-General of India in Council may invest any Officer with the powers of a Court of first appeal between the Court of first instance and the Financial Commissioner, and shall fix the periods within which appeals shall be preferred from the decisions of the Court of first instance to the Court of first appeal, or, when there is no such Court, to the Financial Commissioner, and from the decisions of the Court of first appeal, when there is such Court, to the Financial Commissioner.

**3.** The Financial Commissioner shall, with respect to such suits, be deemed the highest Court of appeal in the Province of Oude, within the meaning of the said Code of Civil Procedure, and shall have and exercise in respect of such suits all the powers vested in the Sudder Court, and shall be subject to all the rules prescribed with reference to the Sudder Court by the said Code, subject to the restrictions, limitations, and provisos with which the said Code was extended to the said Province as contained in the declaration of the Governor-General in Council, bearing date the 6th August 1861. Subject to the same restrictions, limitations, and provisos, the proceedings of the Courts of first appeal and the Courts of first instance shall be regulated by the Code of Civil Procedure.

**4.** No suit relating to the title or succession to land in Oude, or to the possession of land, or to any right in respect of any land shall, during the period limited in Section 2, be instituted or tried in any Court, or before any Authority, except in the Courts or before the Authorities hereinbefore in that behalf specified.

**5.** No suit by an under-tenant, other than a Ryot or Cultivator, relating to any under-tenure, which shall be cognizable in any Revenue Court under this Act, shall be debarred from a hearing under the rules relating to the limitation of suits in force in the Province of Oude, if the cause of action shall have arisen on or after the thirteenth day of February 1844.

**6.** Any suit or appeal relating to any matter cognizable under this Act by any Revenue Court, which may have been rejected or dismissed on the ground that the suit was barred by lapse of time under the Law of Limitation in force in the Province of Oude, may be revived and heard on the merits, if the cause of action shall have arisen on or after the date mentioned in the last preceding Section: Provided that a petition for the

revival of the appeal or suit be presented in the Court of the Financial Commissioner if the rejection or dismissal took place in appeal, or in the Court of first instance if the rejection or dismissal took place in that Court, within four months from the date of the passing of this Act. The petition may be written on the stamp required for petitions presented to the Financial Commissioner or subordinate Revenue Court as the case may be.

**7.** All claims relating to the proprietary right in, succession to or possession of, any land or any right in respect to any land which may accrue after the expiration of the period appointed in Section 2, shall be heard and determined in the Civil Courts of the Province of Oude according to their respective jurisdictions, under and subject to all the rules contained in the Code of Civil Procedure as the same shall have been extended to such Province, and not otherwise.

**8.** No order or decision made or passed by any Revenue Court in Oude subsequently to the extension of the Code of Civil Procedure to the Province, and before the passing of this Act, in or in respect of any suit relating to any proprietary right in, succession to or possession of, any land or any right in respect of any land in the said Province, shall be invalid by reason of any thing contained in the said Code of Civil Procedure.

#### STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced to remove doubts which have arisen as to the legality of the decisions of the Revenue Authorities and the Financial Commissioner of Oude in Judicial cases consequent on the extension to the Province of the Code of Civil Procedure.

Since 1858 the Chief Commissioner has been vested with the powers of Financial Commissioner. The Government of India, under the power reserved in the General Orders of the Governor-General, dated 6th October 1858, which, under the Indian Councils' Act, has the force of law, has lately reconstituted the office under a separate Officer.

The Law of Limitation for the hearing of certain claims to rights of property in land has been extended to twelve years prior to the date at which the Province came under British dominion. This limitation will not extend to claims to rights of occupancy by cultivating tenants.

R. N. Cusr.

The 9th January 1865.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations, on the 10th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks :—

No. 5 of 1865.

*A Bill to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.*

Whereas it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; it is enacted as follows :—

**1.** This Act shall be called "The Punjab Courts' Act, 1865."

**2.** In this Act "Assistant Commissioner" shall include "Extra Assistant Commissioner."

**3.** There shall be eight grades of Courts in the Punjab, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely :—

(1.)—The Court of the Tahsildar of the second Class.

(2.)—The Court of the Tahsildar of the first Class.

(3.)—The Court of the Assistant Commissioner with ordinary powers.

(4.)—The Court of the Assistant Commissioner with special powers.

(5.)—The Court of the Assistant Commissioner with full powers.

(6.)—The Court of the Deputy Commissioner.

(7.)—The Court of the Commissioner.

(8.)—The Court of the Judicial Commissioner.

**4.** The Local Government shall have power to declare to which of the said grades any Tahsildar, or any Assistant Commissioner belongs.

**5.** The Local Government shall also have power, with the sanction of the Government of India, to invest any Naib Tahsildar with the powers of a Tahsildar of the second Class whenever any necessity may arise for such an arrangement, and to withdraw such powers.

**6.** The Tahsildar of the second Class shall, on the Civil side, have power to try and determine suits of every description not exceeding three hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the second Class, as defined in the Code of Criminal Procedure.

**7.** The Tahsildar of the first Class shall, on the Civil side, have power to try and determine suits of every description not exceeding three hundred Rupees, and on the Criminal side to exercise the power of a subordinate Magistrate of the first Class, as defined in the Code of Criminal Procedure.

**8.** The Assistant Commissioner with ordinary powers shall, on the Civil side, have power to try and determine suits of every description not exceeding one hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the second Class, as defined in the Code of Criminal Procedure.

**9.** The Assistant Commissioner with special powers shall, on the Civil side, have power to try and determine suits of every description not exceeding five hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the first Class, as defined in the Code of Criminal Procedure.

**10.** The Assistant Commissioner with full powers shall, on the Civil side, have power to try and determine suits of every description not exceeding five thousand Rupees, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

**11.** The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Province, from any decision or order of any of the first four grades of lower Courts aforesaid, and on the Criminal side to exercise the powers of a Magistrate, and to hear appeals according to the provisions of the Code of Criminal Procedure. The Deputy Commissioner may also be invested with powers under Act V of 1861.

**12.** The Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Province, from any decision or order of any of the Courts of the fifth and sixth grades, and on the Criminal side to exercise the powers of a Sessions Judge, and to hear appeals according to the provisions of the Code of Criminal Procedure.

**13.** Every suit shall ordinarily be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

**14.** The Deputy Commissioner, on the Civil side, may withdraw any suit instituted in any Court subordinate to such Deputy Commissioner, and to try such suit himself, or to refer it for trial to any other Court subordinate to his authority, and competent in respect of the value of the suit to try the same. The Deputy Commissioner may also direct any distribution of work in the Courts subordinate to him, exercising the like jurisdiction and holding their sittings in the same place.

**15.** The Chief Court, on the Civil side, may withdraw any suit instituted in any Court subordinate to it (with the exception of Small Cause Courts) and to refer it for trial to any other Court subordinate to its authority, and competent in respect of the value of the suit to try the same.

**16.** If the suit be for immoveable property situate within the limits of different districts within the same division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

**17.** If the districts within the limits of which the immoveable property is situate are subject to different Commissioners, the application shall be submitted to the Commissioner to whom the district in which the suit is brought is subject, and the Commissioner to whom such application is made may, with the concurrence of the Commissioner to whom the other district is subject, give authority to proceed with the suit.

**18.** The local jurisdiction of a Deputy Commissioner shall be deemed a district for the purposes of this Act, and the Court of such Deputy Commissioner shall be deemed the District Court within the meaning of the Code of Civil Procedure. The local jurisdiction of a Commissioner shall, in the same way, be deemed a Division, and his Court a Divisional Court.

**19.** Whenever the number of cases depending in any Divisional Court shall be so great as to require the appointment of additional agency, the local Government shall, with the previously obtained sanction of the Governor General of India in Council, have power to invest any Officers with the Civil and Criminal powers of a Commissioner as defined in this Act; the local Government may also on its own authority invest any Judge of a Court of Small Causes with the powers of an Assistant Commissioner with full powers, as aforesaid.

**20.** It shall be lawful for the local Government, with the previously obtained sanction of the Governor General of India in Council, in any district in which a Settlement is in progress, to vest any special Officer with the Civil powers of a Commissioner or Deputy Commissioner, or Assistant Commissioner or Tahsildar, on the Civil side, as described in this Act for the purpose of deciding cases with regard to rights in land and the product of

land in such district; and it shall be lawful for the local Government on its own authority to empower Tahsildars, Assistant Commissioners, Deputy Commissioners, and Commissioners in any district in which a Settlement is in progress, to exercise their respective powers in suits regarding rights in land and the product of land on the Revenue side of their respective Courts: Provided that no deviation be allowed from the Rules of Civil Procedure which would otherwise be in force, and that this power shall continue only so long as the Settlement operations shall be in progress, and shall cease on the termination thereof.

**21.** It shall be lawful for the local Government, on its own authority, to vest the Financial Commissioner with the powers of the Chief Court as described in Act of 1865 for the purpose of trying all special appeals from Commissioners and Deputy Commissioners in all decisions passed by them in regular appeal under Section 20: Provided that no deviation be allowed from the Rules of Civil Procedure which would otherwise be in force, and that this power shall continue only so long as the Settlement operations shall be in progress, and shall cease on the termination thereof.

**22.** No decision or order passed by any Judicial Officer in the Punjab and its Dependencies prior to the passing of this Act shall be invalid solely on the ground of a doubt existing as to the authority of the Officer who passed the decision or order.

**23.** This Act shall commence and come into operation on the first day of May 1865.

#### STATEMENT OF OBJECTS AND REASONS.

THE jurisdiction now exercised by the Criminal Courts in the Punjab and its Dependencies, is derived from the Code of Criminal Procedure, but the official title of the Officers exercising the different grades of powers is different. The jurisdiction now exercised by the Civil Courts is derived, not from any express provisions of law, but from orders passed from time to time by the Executive Government. As these orders bear a date prior to the passing of the Indian Councils' Act, 1861, their validity, and the proceedings of the Courts established by them, cannot be called into question; but it is felt that it will be convenient to define the existing powers of the ordinary Courts of Civil and Criminal jurisdiction more particularly, and the opportunity is taken to place the Courts of Judicature of the Punjab on a legal basis, similar to that upon which the Courts of British Burmah and the Central Provinces have been or are being placed, and to give them a similar legal status. This is the first object of this Bill, which follows the form of the Central Provinces' Bill in so far as it defines the jurisdiction of the Courts to which it refers.

The Chief Court of the Punjab will be regulated by a separate Bill now pending before the Council. A second object of this Bill is to vest certain powers in the Local Government to appoint addi-



tional Officers with the powers of a Commissioner, as defined in this Bill, when the pressure of business renders this necessary. The Local Government is also empowered to vest any Judge of a Small Cause Court with the powers of an Assistant Commissioner with full powers, as defined in this Bill. The sanction of the Government of India must be obtained to the appointment of additional Officers, as it entails additional expenditure.

Opportunity is also taken to legalize the jurisdiction of Officers on the Revenue side to try and determine suits affecting rights in land and the product of land. A Commissioner of Settlement has been appointed since the year 1861, vested with the Civil powers of a Commissioner as described in this Bill: under him are subordinate Officers of all grades, but there is no legal sanction to their judicial power which may hereafter be called into question. This Bill gives the Local Government power to appoint such Officers, but the sanction of the Government of India must precede, as in the case above stated.

By the practice of the Punjab, Judicial Officers of all grades have been in the habit of trying all suits affecting rights in land and the product of land on the Revenue side. A final appeal lies to the Financial Commissioner, to the exclusion of the Chief Court of Civil appeal of the Province. A power is granted to the Local Government to invest all Revenue Officers with Civil Court powers for the above-stated purpose so long as a Settlement is in progress; at the close of which such cases will revert to the ordinary jurisdiction of the Civil Courts. This provision corresponds with the provision which has been, with the consent of the Local Government, introduced into the Bill for constituting a Chief Court in the Punjab, and with the provision of the Bill to remove doubts as to the jurisdiction of the Financial Commissioner of Oude. It is to be understood that no change of procedure or law is made by the trial of suits affecting rights in land or the product of land on the Revenue side, but of the tribunal only. Whatever special jurisdiction the Revenue Courts may exercise in summary suits, or other suits made over to the Revenue Officers by special enactment, remains unchanged by this Bill, which relates only to suits regarding land and the product of land.

This Bill provides that no decision shall be set aside on account of any flaw in jurisdiction.

R. N. CUST.

The 4th February 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 17th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in one week:—

No. 6 of 1865.

*A Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances).*

Whereas it is expedient to amend Act No. XVI of 1864 (to provide for the Registration of Assurances);

Preamble.

It is enacted as follows:—

Act XVI of 1864 Sec. 40, repealed. 1. Section 40 of Act No. XVI of 1864 is hereby repealed.

2. An Abstract of every original instrument affecting immoveable property registered in the office of any Deputy Registrar shall, with an endorsement showing the date on which it was registered and its number in the Register Book of such Deputy Registrar, be forwarded in duplicate

within seven days from such date, to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office, and shall retain the other in his own office, and enter it in a Book corresponding with the Book No. 1, 2, 3, or 4 as described in Section 56 of the said Act XVI of 1864.

3. During the absence on duty of the Registrar General from the place where the General Register Office is established, it shall be lawful for him to appoint the District Registrar of such place, or, with the sanction of the local Government, such other person as he shall think fit, to perform the duties of the Registrar General under the twenty-sixth and twenty-seventh Sections of the said Act. A District Registrar so appointed as aforesaid shall perform such duties in addition to his own duties as District Registrar. During such absence as aforesaid, such District Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General, and may, in registering any instrument under the said twenty-sixth Section, use the Seal of the Registrar General.

This Act to be construed with Act XVI of 1864.

4. This Act shall be read and taken as part of the said Act No. XVI of 1864.

#### STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to remedy a defect in Section 40 of Act XVI of 1864, (to provide for the Registration of Assurances) which omits to provide what is to be done with the duplicate abstracts forwarded to the General Register Office; and to enable the Registrar General to appoint a Deputy to perform the duties of the former under Sections 26 and 27 of Act XVI of 1864, during his absence on duty.

G. N. TAYLOR.

The 22nd February 1864.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 24th February 1865 and was referred to a Select Committee, with instructions to make their report in five weeks :—

No. 7 of 1865.

*A Bill to define and amend the Law relating to Intestate Succession among the Parsees.*

WHEREAS it is expedient to define and amend the Law relating to Intestate Succession among the Parsees :

It is enacted as follows :—

**1.** Where the Intestate has left a widow ; if he has also left any children, the property shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter.

*Division of property among widow and children of Intestate.*

**2.** Where the Intestate has left a widower, if she has also left any children, the property shall be divided among the widower and children, so that his share shall be double the share of each of the children.

*Division of property among widower and children of Intestate.*

**3.** If the Intestate has left children, but no widow, the property shall be divided amongst the children, so that the share of each son shall be four times the share of each daughter.

*Division of property amongst the children of male Intestate who leaves no widow.*

**4.** When a female Intestate has left children, but no widower, the property shall be divided amongst the children in equal shares.

*Division of property amongst the children of female Intestate who leaves no widower.*

**5.** If any child of the Intestate shall have died in his or her life-time, the widow or widower and issue of such child shall take the share which such child would have taken if living at the Intestate's death in such manner as if such deceased child had died immediately after the Intestate's death, but so that the issue of a deceased child or grandchild shall take only the share which such child or grandchild would have taken if living. Provided that the issue of a grandchild living at the Intestate's death shall not, nor shall such widow or widower, if he or she shall have re-married during the Intestate's life time, be entitled to take under the provisions of this Section.

*Division of pre-deceased child's share of Intestate's property among the widow or widower and issue of such child.*

**6.** If the Intestate die leaving a widow or widower, but without leaving any lineal descendants, his or her father and mother, if both are living, or one of them if the other is dead, shall take one moiety of the property, and the Intestate's widow or widower shall take the other moiety. Where both the father and the mother of the Intestate survive him or her, the father's share shall be double the share of the mother. Where neither the father nor the mother of the Intestate survives him or her, the Intestate's relatives on the father's side, in the order

specified in the first Schedule hereto annexed, shall take the moiety which the father and the mother would have taken if they had survived the Intestate. The next of kin standing first in the same Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female, standing in the same degree of propinquity. If there be no relatives on the father's side, the Intestate's widow or widower shall take the whole.

**7.** If the Intestate die leaving neither lineal descendants nor a widow or widower, his or her next of kin, in the order set forth in the second Schedule hereto annexed, shall be entitled to succeed to the whole of his or her property. The next of kin standing first in the same Schedule shall always be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity.

#### THE FIRST SCHEDULE.

- (1.) Brothers and sisters, and the children or lineal descendants of such of them as shall have predeceased the Intestate.
- (2.) Grandfather and grandmother.
- (3.) Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.
- (4.) Great-grandfather and great-grandmother.
- (5.) Great-Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

#### THE SECOND SCHEDULE.

- (1.) Father and mother.
- (2.) Brothers and sisters and the lineal descendants of such of them as shall have predeceased the Intestate.
- (3.) Paternal grandfather and paternal grandmother.
- (4.) Children of the paternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.
- (5.) Paternal grandfather's father and mother.
- (6.) Paternal grandfather's father's children, and the lineal descendants of such of them as shall have predeceased the Intestate.
- (7.) Brothers and sisters by the mother's side, and the lineal descendants of such of them as shall have predeceased the Intestate.
- (8.) Maternal grandfather and maternal grandmother.
- (9.) Children of the maternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.
- (10.) Son's widow, if she have not remarried at or before the death of the Intestate.
- (11.) Brother's widow, if she have not remarried at or before the death of the Intestate.
- (12.) Paternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.
- (13.) Maternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(14.) Widowers of the intestate's deceased daughters, if they have not re-married at or before the death of the Intestate.

(15.) Maternal grandfather's father and mother.

(16.) Children of the maternal grand-father's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

(17.) Paternal grandmother's father and mother.

(18.) Children of the paternal grandmother's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to relieve the Parsees from the operation of the English Law, which prescribes the share which females shall take in succession to intestate property. It will provide what shall be the proportion of the shares of females in such inheritances among Parsees, and also, in the event of there being no lineal descendants of a person deceased, the order in which his relatives shall succeed to his property.

The Bill has, in substance, been prepared by the Parsees themselves.

CALCUTTA,  
The 20th February 1865. }

H. L. ANDERSON.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Department, (Legislative.)

The following Report of the Select Committee, together with the Bill as settled by them was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th February 1865 :—

#### REPORT.

We, the undersigned Members

Minute by the Acting Chief Justice, High Court, Bombay, dated 12th September 1864.  
From Mr. Justice Forbes, No. 1003, dated 30th September 1864.  
Minute by Mr. Justice Couch, dated 21st September 1864.  
Remarks by Mr. Justice Lvinge, dated 20th September 1864.  
Minute by Mr. Justice Bayley, dated 21st September 1864.  
Presentment by the Grand Jury, Calcutta, dated 27th September 1864.  
From Advocate General, dated 10th February 1865.  
From ditto, No. 37, dated 18th April 1865.  
From Assistant Secretary to Government, Madras, dated 19th October 1864.  
Note by Mr. Justice Norman, dated 17th November 1864.  
Additional Minute by Mr. Justice Lvinge, dated 18th November 1864.  
From Mr. Justice Westropp, High Court, Bombay, dated 9th November 1864.  
From Acting Registrar, High Court, Madras, dated 14th November 1864.  
Observations of the Chief Justice, High Court, Madras.  
Presentment by Grand Jury, Madras, dated 3rd November 1864.  
From Clerk of the Crown, No. 1784, dated 3rd December 1864.  
Presentment of majority of Grand Jury, Calcutta.  
Note by the Hon'ble the Mahárájá of Burdwan.  
Petition of British Indian Association, dated 31st December 1864.  
Petition of British born subjects residing at the Presidency of Fort William.

of the Select Committee of the Council of the Governor General of India, for the purpose of making Laws and Regulations, to whom the Bill to amend the Procedure of Her Majesty's High Courts of Judicature, in the exercise of their Original Criminal Jurisdiction was referred, have considered the papers noted in

the margin, and have the honour to submit the following Report :—

2. The abolition in India of the institution of the Grand Jury, though not the most important feature of the Bill, is that which has attracted the greatest share of public attention: we therefore

deem it our duty, in the first instance, to notice that part of the proposed measure.

3. By the 8th Section of the 24th and 25th of Victoria, Cap. 104, the Supreme and Sudder Courts in Calcutta, Madras, and Bombay were abolished. By the 9th Section of the same Act, it was provided that the High Courts of the three Presidencies, established in the places of such Supreme and Sudder Courts, "should have and exercise all such powers and authority in relation to the Administration of Justice as Her Majesty by Letters Patent should grant and direct."

4. In forwarding the Letters Patent of the High Court in Calcutta, Her Majesty's Secretary of State for India stated, in the 25th paragraph of his letter of the 14th of May 1862, that, under certain Clauses, no change would, for the present, be effected by the Charter in the Administration of Criminal Justice in the Presidency Town, or in respect of persons subject to the Criminal Jurisdiction of the High Court residing in the interior of the country; but that it appeared to him some modification of the existing practice both in the Capital and the Mofussil was necessary, and that, on those points, he would address the Government of India in a separate despatch.

5. Her Majesty's Secretary of State, accordingly, in a despatch dated 29th February 1864, expressed his opinion that, as the most obvious reform in the mode of dealing with Criminal charges in the Presidency Towns, Grand Juries should be abolished, and he requested "that steps might be taken for the early introduction into His Excellency the Viceroy's Council of the necessary measure."

6. In support of the conclusion stated in this letter, Her Majesty's Secretary of State referred to two documents, 1st, a Presentment of the Grand Jury in Calcutta in December 1862; 2nd, the first Report of the Indian Law Commissioners.

7. The Grand Jury of Calcutta, in the Presentment to which the Secretary of State alluded, stated, with reference to certain cases of minor importance in the Calendar, "that such cases should not occupy the time of the Grand Jury, but be summarily dealt with by the Bench of Magistrates," and they presented, for the consideration of the Court, a recommendation for legislative enactment that may, "while preserving the institution of the Grand Jury in all its integrity, relieve it from the investigation of such petty charges as constitute the majority of cases in the Calendar of the Criminal Sessions."

8. The other document to which Her Majesty's Secretary of State referred, was the first Report of the Indian Law Commissioners. In the 151st page of that Report the following remarks appear :—

"The provisions proposed by us on the subject of Juries, commence with a rule to the effect that Grand Juries shall be abolished. This institution has never existed in India out of the Presidency Towns, is not adapted to the country, and as coming between the Magistrate and the Sessions Judge, so as to control in any way the proceedings of the former, would not be understood or appreciated by the great mass of the community. The retention of the Grand Juries in Calcutta would involve a very wide, and, as we think, an unnecessary diversity from the practice of the Mofussil in the mode of dealing with criminal charges."

9. In accordance with the foregoing view, the Bill submitted to the Council was prepared. Its provisions have been generally approved by Her Majesty's Government in a despatch dated 7th November 1864, received since the introduction of the measure, but a few modifications on points of detail, not material to the present discussion, have been suggested.

10. The abolition of Grand Juries has been expressly approved by the High Court and the Grand Jury of Madras. In Bombay, it has been approved by all the Judges excepting the Chief Justice. We have also strong reason for believing that the communities of Madras and Bombay, European as well as Native, are favourable to the measure. In Calcutta, a former Grand Jury, as has been stated, considered that a majority of the cases generally found in the Calendar should be removed from the cognizance of Grand Juries.

11. Considering, then, that the abolition of Grand Juries in India has been recommended by the Royal Commissioners and also by Her Majesty's Government, invested, as it has been, by Act of Parliament with special power in that behalf; considering also, that the proposal to abolish them is supported by the communities of Madras and Bombay, we think that, even apart from the question whether a Grand Jury is in itself and in other countries an useful institution, it would be difficult to find reasons for preserving it in India, much more for extending it to the Mofussil. Such extension, indeed, we believe to be almost impracticable. The information laid before us leads us to think that the material for Juries beyond the Presidency Towns is not more than sufficient to supply a satisfactory list of Common Jury-men. We desire, moreover, to call attention to the fact that unless the Legislature should re-establish that restriction of the right to serve on Juries which was expressly repealed by Statute 2 and 3 Will. 4, Cap. 117, Sec. 2, a Grand Jury over a large part of India would be chiefly composed of Native Gentlemen, as may be collected from the subjoined extract from the Jury Rules.\* Whether this result would, in practice, be beneficial, it is unnecessary to consider, since it is not desired by the Europeans, and the documents expressive of Native opinion, which are before us, lead us to believe that the system of Grand Juries is not regarded with favour by the Natives.

12. Our Hon'ble Colleague, Mr. Bullen, while he admits that the establishment of the Grand Jury system in the Mofussil is impracticable, and while he acknowledges the difficulty of retaining it for Calcutta, so long as Madras and Bombay are desirous of dispensing with it, is nevertheless

\* "All covenanted servants of the Hon'ble Company's Civil Service, all persons who, according to the usage of England, are entitled to the style and addition of Esquire, or of any higher degree, or who shall be described in the lists hereinafter mentioned as Merchants or Bankers, all persons whose claims to the title of Rajah, or to have about them any insignia of equivalent rank, have been formally acknowledged by the Government, or whose rank or superiority of caste, according to the usage of their tribe or religion, would prevent them from sitting on Common Juries, or whose property, or interest in lands, tenements, or goods, would be worth two hundred thousand Rupees, after the payment of their just debts, shall be exempted from serving on any other than Special or Grand Juries: provided always that if any person, who is entitled to this exemption, shall be willing to waive the same and to serve on Common Juries, an entry to that effect shall be made in a separate column, upon the lists and book hereinafter mentioned, and the party shall be deemed to be qualified and liable to serve, both on Special and on Common Juries."

of opinion that if it had not been for the view which appears to be taken of the subject, in Madras and Bombay, Grand Juries might have been retained in the Presidency Towns, though not extended to the Mofussil.

13. The portion of the proposed measure to which we have given our most serious attention is that which provides facilities for the trial of European British subjects at or near the place at which they are alleged to have committed offences. The Bill, as originally framed, continued in effect for the Mofussil the system which has been established by Act of Parliament in the Presidency Towns, and under which much of the procedure in criminal trials is regulated by rules of the High Court. But Her Majesty's Government, and nearly all the Judges who have adverted to the subject, have expressed the opinion that many matters, which, in the Presidency Towns, depend upon rules of Court should, in the Mofussil at all events, be governed by express legislation. In accordance with this opinion, the Committee have made large additions to the Bill.

14. In order to explain the modifications which this measure will effect in the mode of trying European British subjects, it may be convenient to describe the course which, if the Bill becomes law, will be followed whenever a European British subject is charged in the Mofussil with an offence for which he would now be committed to the Presidency Town. As soon as the Magistrate has determined to commit the accused person, he will send to the High Court a copy of the charge and of the depositions and other documents connected therewith. The High Court, after communicating with Government—a communication of which the object is to inform the Court whether there is any intention of issuing a Commission within a reasonable time—will decide whether the person charged shall be tried at any place specified in such Commission, or shall be sent for trial as at present to a Presidency Town. The Magistrate will then commit him or hold him to bail in conformity with the direction of the High Court.

15. Some such system as that described in the last paragraph is for the present necessary to prevent the detention of accused persons during periods of unreasonable length. It is probable that, until proper accommodation for European prisoners has been provided in the Jails, and until further facilities of communication exist between the Presidency Towns and the large Mofussil Cities, the Government will only be able to depute Judges under Commission at irregular and uncertain intervals. We do not think that Europeans should be committed as of course for local trial until a system of regular Jail deliveries at fixed and not too long intervals can be established. But, in anticipation of the complete or partial establishment of such a system hereafter, we have provided that the High Court may, by a general order, direct that all Europeans who may be charged with offences within certain districts and within certain parts of the year shall be committed for trial at some particular place. When such an order has been given, the Magistrate will not be under the necessity of waiting for any special direction from the High Court before committing or bailing the accused person for trial at such place.

16. When a European British subject is tried by a Judge of the High Court in the Mofussil, the proceedings will be governed in general by the Code of Criminal Procedure. It appears to us that the



provisions of the Code, when applied to trials before a Judge of such authority and rank, may be conveniently modified in several particulars. Sections 37 to 41 of the Bill as amended by us contain the modifications in question. Their effect is to bring a trial before a Judge of the High Court in the Mofussil into close harmony with similar trials in the Presidency Towns.

17. All trials before a Judge sitting under Commission will be by Jury. The composition of the Jury is a matter which has engaged our anxious attention, and has been much discussed by us.

The Jury recommended for the Presidency Towns by the Royal Commissioners—which is a Jury of nine deciding by a majority of two-thirds if the Judge concur—appears to us preferable to the Jury system of the Code of Criminal Procedure. But we have finally decided to retain the familiar number of twelve, the verdict to be carried either by unanimity among the Jurors or by a majority consisting of nine, in the event of the Judge concurring. Absolute unanimity, which might entail the frequent discharge of Juries, we consider to be excluded by the largeness of the Jury we have determined upon, and by the scantiness of good Jury material in the Mofussil.

18. We have followed the principle which the Code of Criminal Procedure applies to the trials of Americans and of Europeans who are not British subjects, in providing that the majority of the Jury empanelled for the trial of a European British subject shall, if he so require, consist of Europeans or Americans. To secure a sufficient number of European Jurors, we have partially repealed the exemption of Military men from Juries under the Code, and we have permitted Commissioned and Non-Commissioned Officers to be summoned. We have, however, provided that no summons shall issue until after communication with the Commanding Officer, and that no Military man shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent Military duty.

19. As it is scarcely probable that the trials of European British subjects will occupy the whole time of the Judge during his sittings under Commission at a particular place, we have provided that he shall try such other persons committed to the Sessions Court of the place as he shall think proper. We have also made provision for including in the Commission any Barrister-at Law of five years' standing or Sessions Judge, who, under the name of Associate Judge, may try any person not being a European British subject whom the High Court Judge may direct him to try; but such last-mentioned trials will be regulated exclusively by the Code of Criminal Procedure. If the Judge of the High Court and an Associate Judge sit together, the former will exclusively conduct the trial.

20. We desire to add that the 30th Section of the Letters Patent of the Bengal High Court, and the corresponding Sections of the Letters Patent of the Madras and Bombay High Courts, which are repeated in Sections 22, 23, and 24 of the Bill, empower a Judge or Judges of the High Court, sitting under Commission, to exercise the same jurisdiction, power and authority as might be exercised by a Judge or Judges of the High Court at the Presidency Towns. Section 25 of the present Bill, which is in harmony with the Letters Patent, enables the High Court to allot such part of its extraordinary original civil jurisdiction, civil and criminal appellate jurisdiction and juris-

diction as a Court of revision or reference as the High Court may consider can be more conveniently exercised at the places mentioned in the Commission than at its usual place of sitting.

21. The changes we propose to effect in the Criminal Procedure of the High Court exercising jurisdiction at the Presidency Towns are not, apart from the abolition of the Grand Jury, of great importance. We have provided that all charges of capital crimes, and all the cases which the High Court may, on account of their difficulty, or for any other reason, direct to be so tried, shall be tried by Special Jury, a mode of trial now only in use for misdemeanors and of uncertain application since the enactment of the Indian Penal Code. The Special Jurors will be exempt from service on Common or Petty Juries, and the Special Jury list will, in the first instance, comprise all gentlemen now entitled to the privilege of serving on Grand Juries. But as we trust that, when the machinery of the Bill is in full operation, it will not exhaust the Petty Jury list to the extent to which it is now exhausted by the Grand Jury, we have provided that no addition shall be made to the Special Jury list until by death, departure from India, or other loss of qualification, the Special Jurors shall be reduced to two hundred, which number we think sufficient for the Special Jury cases likely to be tried in the Presidency Towns. When the number of Special Jurors is below two hundred, we provide that the full number shall be completed by selection on the part of some Officer nominated by the Chief Justice, regard being had to property, education, character, and intelligence. It may be remarked that, as we prescribe a maximum number of Special Jurors, no fixed qualification can be assigned, and the power vested in the selecting Officer must be entirely discretionary.

22. Finally, we desire to observe that, whether a trial under this Bill takes place in the Presidency Towns or in the Mofussil, a Judge of the High Court, if upon perusal of the depositions he considers any charge to be clearly unsustainable, will have the power to make an entry to that effect. Such an entry will operate in the Presidency Towns as a *nolle prosequi*, and will have practically the same result in the Mofussil. Moreover, if no further charge against the same person on the same grounds be preferred in three years, he will be placed in the same position as if he had been actually acquitted. The power of making such an entry we regard as an unobjectionable substitute for the functions of a Grand Jury.

23. Mr. Bullen individually prefers, for the trial of European British subjects in the Mofussil, an unanimous Jury of seven, consisting wholly of Europeans or Americans, to the Jury which the Committee has agreed to recommend.

24. We recommend that the Bill as amended by us be passed, but that it be previously republished with this Report in the *Official Gazette*.

H. S. MAINE.  
C. BEADON.  
R. NAPIER.  
H. B. HARRINGTON.  
W. GREY.  
H. L. ANDERSON.  
J. N. BULLEN.  
W. MUIR.  
R. N. CUST.  
D. COWIE.

The 15th February 1865.

## AMENDED BILL.

No. 19 OF 1864.

*A Bill to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.*

Whereas it is expedient to amend the procedure of the High Courts of Judicature at Fort William in Bengal, at Madras and at Bombay, in the exercise of their original criminal jurisdiction, and also to provide for the exercise by such Courts of original criminal jurisdiction under the Commission of the Governor-General of India in Council, or of either of the Governors in Council of Madras and Bombay, in places other than the Presidency Towns, or at several such places by way of circuit: It is enacted as follows:—

*Preliminary.*

1. This Act may be cited as "The High Courts' Criminal Procedure Amendment Act, 1865."  
*Short title.*
2. In this Act, unless there be something repugnant in the subject or context—  
*Interpretation clause.*  
"High Court" denotes Her Majesty's High Courts of Judicature at Fort William in Bengal, at Madras, and at Bombay, respectively.  
"Chief Justice" shall include an Officiating Chief Justice.  
"Magistrate" denotes any person exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and includes Police Magistrates in any Presidency Town.  
"Clerk of the Crown" includes, besides such Officer, a Crown Prosecutor and any Officer specially appointed by the Governor-General of India in Council or the Governor in Council of Madras or Bombay to discharge the functions given by this Act to the Clerk of the Crown, in respect of any sittings of a Judge or Judges of the High Court in a place other than the usual place of sitting, or in respect of any sittings of a Barrister under the forty-fourth Section of this Act.  
"British India" denotes the territories which are or may become vested in Her Majesty under the Statute 21 and 22 Vic., cap. 106, except the Settlement of Prince of Wales' Island, Singapore and Malacca.

Words importing the masculine gender include females: words in the singular number include the plural, and words in the plural number include the singular.

*Of Charges where the accused is committed in a Presidency Town.*

3. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any person for trial before the High Court for an offence committed, or which according to law may be dealt with as if it had been committed

within the local limits of its ordinary original Civil jurisdiction, shall, together with all examinations, informations, bailments and recognizances now required to be delivered to such Court before the trial, deliver to the Clerk of the Crown a written instrument of charge signed by him stating for what offence such person is so committed or held to bail.

4. The Clerk of the Crown shall peruse and consider the charge, and may, if he consider it necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the High Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

5. The person charged shall also be entitled to copies of the examinations of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same not exceeding one anna for each folio of ninety words.

6. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions contained in the eighth Section of this Act) shall be arraigned at suit of the Crown, and the verdict shall be recorded thereupon.

7. In Act XVIII of 1862 (to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal justice in Her Majesty's Supreme Courts of Judicature), the word "indictment" shall be understood to include the word "charge," and all the provisions of the said Act shall apply to charges recorded as aforesaid and the trial of such charges.

8. When any such charge shall have been recorded in the High Court as aforesaid and shall at any time before the person charged is arraigned, appear to the Judge of the High Court who would in ordinary course try the same, to be clearly unsustainable, an entry to that effect may be made on the charge by such Judge. Such entry may be made without the fiat of the Advocate General, and shall have the effect of a *nolle prosequi* upon the charge; but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

*Of Grand Juries.*

9. From and after the date on which this Act shall come into operation, no warrant or precept shall be issued to the Sheriff or other Officer directing him to sum-

After commencement of this Act, Grand Jury not to be summoned.

mon any persons to attend and serve as Grand Jurors. All persons who, but for this Act, would have been exempt from serving on Common Juries shall be liable, except as hereinafter provided, to serve on such Juries.

**10. No person shall be brought before the**

No one to be charged on the presentment or inquisition of Grand Jurors unless they have been summoned before the commencement of this Act.

High Court on the presentment or inquisition of Grand Jurors, unless such presentment or inquisition shall have been made by Grand Jurors who shall have been duly summoned before this Act comes into force: Provided that if any precept for summoning a Grand Jury shall have been issued for the then next coming Sessions of the High Court, such Grand Jury shall proceed at such Sessions as if this Act had not passed.

*Of Juries in the Presidency Towns.*

**11. Every person tried in a Presidency Town**

Certain trials to be held before Special Jurors.

upon a charge of having committed an offence which is punishable with death, or upon any other charge if a Judge of the High Court shall so order, shall be tried before a Special Jury.

**12. The Jurors' Book for the year current**

The Jurors' Book for the current year to be taken as giving the first list of Jurors and Special Jurors.

when this Act comes into force, shall be taken as containing a correct general list of persons qualified and liable to serve as Jurors under this Act: and those persons whose names are entered in the said Jurors' Book as being privileged to serve on Grand or Special Juries only, shall be deemed to be persons privileged and liable to serve only as Special Jurors under this Act: and a list of such last mentioned persons, to be called the "Special Jurors' List," shall forthwith, and subject to such rules as shall be prescribed by the High Court, be prepared by the Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct.

**13. The number of persons included in the "Special Jurors' List" prepared**

The number of Special Jurors in the first list to be allowed to die down to two hundred.

as in the last preceding Section is provided, shall be permitted gradually from year to year to diminish until the whole number of names remaining on

such list shall not exceed two hundred: and no new name shall be added to such list until the number shall have been so diminished by the death or change of residence of the persons originally included in the list, or by other loss of such qualification as gave them the privilege of serving only as Grand or Special Jurors. After the number

After which the number of Special Jurors not to exceed two hundred.

shall once have been reduced as aforesaid, the names of not more than two hundred persons shall ever at any one time be entered in the Special Jurors' List.

**14. All persons whose names are entered in**

Special Jurors exempted from serving in Common Juries.

the "Special Jurors' List" shall be exempted from serving on any other than Special Juries.

**15. The Clerk of the Crown or such other**

Preparation of lists of Jurors and Special Jurors.

Officer as the Chief Justice of the High Court shall direct, shall, before the first day of April in each year, and subject in all respects to such rules as the High Court shall from time to time prescribe, prepare a list of all persons qualified and liable to serve as Jurors: and shall before the fifteenth day of April, which shall first occur after the reduction of the number of names in the "Special Jurors' List" as aforesaid, and before every subsequent 15th day of April, but subject always to such rules as aforesaid, take from the general list of Jurors the names of such persons as he may think fit, regard being had to their property, character, and education, and shall enter the same in the "Special Jurors' List."

**16. The Clerk of the Crown or other Officer**

Officer preparing the lists to have full discretion: no appeal from his decision.

appointed by the Chief Justice shall, subject to such rules as aforesaid, have full and entire discretion to prepare the said lists as shall seem to him to be proper, and there shall be no appeal from or review of his decision.

**17. The list of persons qualified or liable to**

Lists of Jurors to be published in the Gazette.

serve as Jurors, and the "Special Jurors' List," respectively, signed by the Officer by whom the same shall have been prepared, shall be published once in the Official Gazette, before the first day of May next after their preparation, and copies of the said lists shall be affixed to some conspicuous part of the Court House.

**18. Out of the names contained in the lists**

Jurors and Special Jurors to be numbered for each Sessions.

aforesaid, there shall be summoned for each Sessions thirty-six of those who are qualified and liable to serve on Special Juries, and seventy-two of those who are qualified and liable to serve on Common Juries.

*Of Challenges of Jurors in the Presidency Towns.*

**19. A peremptory challenge to the number**

Challenges.

of twenty in Common Juries and ten in Special Juries, shall be allowed; but there shall be no challenge to the array; and save as aforesaid the following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person charged:—

(1.) Some personal objection, such as alienage, infancy, old age or deficiency in the qualification required by any law or rule having the force of law for the time being in force.

(2.) Some presumed or actual partiality in the juror.

(3.) A previous conviction of the juror under the Indian Penal Code, or the criminal law administered in the Supreme Courts of Judicature or the Courts of the East India Company previously to the enactment of such Code.

**20. The Judge before whom the person**

Judge to try challenge.

charged is about to be tried shall try any challenge, other than a peremptory challenge, and if he allow the challenge the juror shall be set aside.

**21.** Save as hereinbefore provided, the High

High Court to retain its present jurisdiction as to jurors in Presidency Towns except as altered by this Act.

Court shall retain all its present powers respecting the summoning, empanelling, qualification, challenging and service of jurors in the Presidency Towns: and shall have power to make such rules on these subjects (not inconsistent with the provisions of this Act) as shall seem to it to be proper. All rules relating thereto now in force in the High Court shall (so far as they are not inconsistent with this Act) remain in full force until repealed or altered by new Rules made under this Section.

*Of Sittings under a Commission.***22.** From and after the commencement of

Jurisdiction of Judge acting under Commission from Governor General of India in Council.

this Act, whenever it shall appear to the Governor-General of India in Council convenient that the jurisdiction and power vested in the High Court at Fort William in Bengal should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court, whether within or without the Bengal Division of the Presidency of Fort William, other than the usual place of sitting of such Court, or at several such places by way of circuit, and the Governor-General of India in Council shall, by his Commission for that purpose, authorize and direct any of the Judges of such Court to hold sittings at such place or places accordingly, at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed, shall have and exercise the same jurisdiction, power and authority as would be had and exercised by a Judge or Judges of the High Court of Judicature at Fort William in Bengal in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of such High Court to the provisions contained in the twenty-eighth and following Sections of this Act.

**23.** From and after the commencement of

Jurisdiction of Judge acting under Commission of Governor in Council of Madras.

this Act, whenever it shall appear to the Governor in Council of Madras convenient that the jurisdiction and power vested in the High Court of Judicature at Madras should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same High Court, whether within or without the Presidency of Madras, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the place and manner therein directed, shall have and exercise the same jurisdiction, power and authority as would be had and exercised by a Judge or Judges of the High Court at Madras, in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction

in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

**24.** From and after the commencement of this

Jurisdiction of Judge acting under Commission of Governor in Council of Bombay.

Act, whenever it shall appear to the Governor in Council of Bombay convenient that the jurisdiction and power vested in the High Court of Judicature at Bombay should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same Court, whether within or without the Presidency of Bombay, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power and authority, as would be had and exercised by a Judge or Judges of the High Court at Bombay in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

**25.** The High Court may allot to a Judge or

High Court may allot jurisdiction to Judge acting under Commission.

Judges acting under a Commission as aforesaid, such part of the extraordinary original Civil jurisdiction, and of the Civil and Criminal Appellate jurisdiction, and of the jurisdiction as a Court of revision or reference which it is competent to exercise at its usual place of sitting as the High Court may consider can be more conveniently exercised at any place or places mentioned in such Commission.

**26.** Every Commission issued as aforesaid

Commission to specify time and place during and in which it shall travel.

under any of the preceding Sections shall specify the time during which and the districts or places within which such Commission shall remain in force; and the limits of such districts or places shall be defined by notification in the Official Gazette.

**27.** The Governor General of India in Council

Power to appoint an Associate Judge.

or the Governor of Madras or of Bombay in Council, as the case may be, may by such Commission as aforesaid associate with such Judge of the High Court any Barrister-at-law of not less than five years' standing or any Sessions Judge. The person so associated shall be called the Associate Judge, and, unless directed to try persons separately as hereinafter provided, may sit with the Judge of the High Court during the trials of persons tried under such Commission. Whenever any Associate Judge sits with the Judge of the High Court, the latter shall preside, conduct the case, and pronounce judgment.



**28.** Any Justice of the Peace or Magistrate without the local limits of the ordinary original Civil jurisdiction of the High Court, before whom any European British subject shall be brought for an offence committed without those limits shall, immediately after the conclusion of the preliminary enquiry, and if he shall determine to commit or hold to bail such person for trial, give notice thereof to the High Court, to which the commitment or bailment would ordinarily be made, and shall send to the Clerk of the Crown, together with the record of the preliminary enquiry, and translations into English of any writings not in that language, a written instrument of charge signed by him stating for what offence such person is committed or held to bail. On receipt of these documents the Clerk of the Crown shall proceed as directed in the like case in the fourth Section, and the person charged shall be entitled to copies in like manner as he would be entitled to copies under the fifth Section, of this Act. If a Commission under which the person charged might be tried shall have been issued, the High Court shall consider at what place the person charged can be most conveniently tried, and shall give directions accordingly: if no such Commission shall have been issued, the High Court shall request information from the Government as to whether such Commission is about to issue, and shall then give such directions as last aforesaid. Provided always that, if the commitment or bailment have been made after the issue and during the running of a Commission under which the person charged might be tried, the notice by this Section directed to be given to the Clerk of the Crown shall be given, and the documents directed to be sent, to the Clerk of the Crown, shall be sent to the Clerk of the Crown with the Judge of the High Court acting under the Commission. Such Judge shall have all the powers given to the High Court by this and the next succeeding Section.

**29.** The charge, whether it shall or shall not have been amended, altered, added to under the last preceding Section shall, if the person charged be directed to be tried at a place other than the usual place of sitting of the Court, have the same effect as a charge under the thirteenth Chapter of the Code of Criminal Procedure, and the person charged shall be tried thereon before a Judge of the High Court whether sitting by himself or with an Associate Judge. But if, at any time before the High Court shall have directed where the trial of the person charged shall take place, the charge appear to the High Court to be clearly unsustainable, an entry to that effect may be made by the proper Officer of the Court at any time before the commencement of the trial. Such entry shall have the effect of staying proceedings on the charge; but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted. If the person charged be directed to be tried at the usual place of sitting of the Court, the charge whether amended, altered, or added to, as last aforesaid or not,

shall have the same effect as, and be deemed to be, a charge under the sixth, seventh, and eighth Sections of this Act.

**30.** Pending the directions of the High Court as to the place of trial, every such British subject as is referred to in the twenty-eighth Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal Jail in which he can be most conveniently confined. If the trial shall be directed to take place in the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail of the High Court in such usual place. If the High Court shall direct that the person charged be tried elsewhere than in its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial in the place directed, or (as the case may be) shall if necessary cause him to be removed to the Criminal Jail of or nearest to the place at which such person is directed to be tried, and the Officer in charge of such Criminal Jail shall keep such person in safe custody until discharged in due course of law.

**31.** It shall be lawful for the High Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court or to direct that they shall be tried at a particular place named; and also to order that such European British subjects shall if not bailed be committed for intermediate custody to a particular jail being one of the jails appointed by the Government for the reception of such prisoners. In any such case the High Court may direct further that the notice required by the twenty-eighth Section to be given, and the papers required by that Section to be sent to the Clerk of the Crown, shall be given and sent to a particular Clerk of the Crown named by the High Court in that behalf. Every person bailed or committed to take his trial at any particular place in compliance with a general direction under the provisions of this Section shall be dealt within all respects, as if he had been bailed or committed in compliance with a special direction under the twenty-eighth Section.

**32.** When the High Court shall have directed that any European British subject shall be tried at any place other than its usual place of sitting, the Judge of the High Court acting under such Commission as aforesaid in the place and manner therein mentioned shall, whether sitting by himself or with the Associate Judge, have and exercise in respect of such European British subject the same jurisdiction, power and authority which would be had and exercised by the High Court at its ordinary place of sitting if the said European British subject had been committed or bailed to the said High Court at its ordinary place of sitting for the offence with which he is charged. But the trial of the said European British subject

before such Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall, sub-

Code of Criminal Procedure to apply to such subjects except as hereinafter declared.

cedure and thereby made applicable to trials of persons committed or bailed for trial before the Court of Session for offences triable by such Court.

**33. The Judge of the High Court acting**

Jurisdiction over persons not European British subjects tried under Commission.

under such Commission in the place and manner therein mentioned and whether sitting by himself or with the Associate Judge, shall, if he shall think fit, have and exercise the same jurisdiction, power and authority in respect of any person committed or bailed for trial under the Code of Criminal Procedure before the Court of Session at the place and within the time in such Commission mentioned as might be had and exercised by the Court of Session to which such person was committed or bailed. The trial of such person shall be conducted, subject to the exceptions hereinafter declared, in accordance with the rules and provisions contained in the Code of Criminal Procedure and thereby made applicable to trials before a Court of Session of persons committed or bailed to such Court for offences triable by the same.

**34. All trials before a Judge of the High**

Trials under Commission to be by Jury.

Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall be by Jury.

**35. Whenever the Governor-General of**

Summoning of Jurors to serve on trials under Commission.

India in Council or the Governor of Madras or of Bombay in Council, as the case may be, shall have signified to the High Court that it is intended to issue a Commission as aforesaid to any Judge or Judges of the High Court authorizing and directing sittings of the said Judge or Judges in any place, the High Court shall give notice of such intention to the Court of Session at such place, and thereupon the said Court of Session shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall

Military men not exempt.

think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of persons charged with offences before the Judge of the High Court acting under Commission as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or

for any other special Military reason. The Juries for the trial of persons triable by such Judge of the High Court acting under such Commission as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

**36. If the person charged shall be a European**

Jury for trial of European British subject.

British subject and shall so require before the jury shall be empannelled, the majority the jurors shall consist of of Europeans or Americans. If such a jury cannot be procured, the person so charged shall be sent for trial by the High Court in its usual place of sitting.

**37. On every trial mentioned in the thirty-**

fourth Section of this Act, the Number of jury requisite to verdict of guilty. jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

**38. During the trial of any person before a**

Acts not of a judicial nature may be done by Clerk of the Crown.

Judge of the High Court, acting under Commission as aforesaid or by a Judge of the High Court and an Associate Judge sitting together, any act, not of a judicial nature, which the Code of Criminal Procedure requires to be done by the Court of Session, may be done by the Clerk of the Crown or by any Officer of the Court directed by such Judge to perform such act.

**39. So much of the three hundred and**

Portions of Section 380 of Criminal Procedure Code not to apply to sentences of High Court Judge.

eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by a Judge of the High Court acting under Commission as aforesaid.

**40. So much of the twenty-sixth Chapter**

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of High Court Judge.

of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form shall not apply to judgments, sentences, or findings in trials before a Judge of the High Court acting under such Commission as aforesaid, whether sitting by himself or with an Associate Judge; but the Judge shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as he shall think proper.

**41.** When any person has been convicted of

Power to reserve for High Court any question of law or evidence, an offence before a Judge of the High Court acting under Commission as aforesaid, the Judge, if he think proper, may reserve for the decision of the High Court any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the

Procedure where no such question reserved. Magistrate or other Officer in charge of the Jail of the District at which the trial was held, and such Magistrate or other Officer shall proceed thereupon in like manner as he is directed by the Code of Criminal Procedure to proceed in respect of sentences by a Court of Session not requiring confirmation. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision of the High Court thereon, be dealt with in like manner as persons sentenced by a Court of Session in cases where the sentence requires the confirmation of the Sudder Court under the Code of Criminal Procedure. If the decision of the High Court be adverse to the person convicted, such decision shall be forwarded to the Court of Session of the district in which the trial took place, in like manner as is directed by the three hundred and eighty-third Section of the said Code with reference to orders of confirmation of sentences, and thereupon the said Court of Session and all other persons shall proceed as if the person convicted had been sentenced by such Court of Session and as if such sentence had been confirmed by the Sudder Court under the Code of Criminal Procedure.

**42.** Save as is hereinbefore otherwise provided,

Save as aforesaid Criminal Procedure Code to apply to juries under Commission. the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before a Judge of the High Court acting under Commission as aforesaid, or before such Judge and an Associate Judge, and to trials before such Judge of the High Court or before such Judge and an Associate Judge, and to sentences by such Judge of the High Court and to the carrying into execution of such sentences.

**43.** If the Judge of the High Court think

High Court Judge may direct Associate Judge to try any one triable under Commission not an European British subject. fit, he may direct the Associate Judge to try any person, other than a European British subject, who under this Act is triable by such Judge of the High Court. The trial of such person shall be regulated with-

out exception by the rules of the Code of Criminal Procedure applicable to trials of persons committed or bailed for trial before a Court of Session, and such person, if convicted, shall be dealt with as if he had been convicted before the Court of Session of the district in which the trial was held. Any person, other than a European British subject who has been committed or bailed for trial before the Court of Session of any place mentioned in such Commission as aforesaid, but who has not been tried under this Act during the time for which the Commission remains in force, shall be tried by the Court of Session to which he was committed or bailed as if this Act had not passed.

**44.** From and after the commencement of

Power to Governor General of India in Council to appoint a Barrister to hold sittings under Commission at places not hereinbefore referred to. this Act, it shall be lawful for the Governor General of India in Council by his Commission to authorize and direct any Barrister-at-law of not less than five years' standing, although not a Judge of any High Court, to hold sittings

at any place in British India, other than the usual place of sitting of such Court, and other than any place referred to in the twenty-second, twenty-third and twenty-fourth Sections of this Act, or at several such places by way of circuit. The Barrister acting under such Commission, in the places and manner therein directed, shall have and exercise the same jurisdiction, power and authority as (subject to the provisions hereinbefore contained) would be had and exercised by a Judge of the High Court acting under any such Commission as aforesaid.

**45.** This Act shall commence and come into

Commencement of Act. operation on such date as the Governor General of India in Council shall appoint by notification in the *Gazette of India*.

Act not to extend to Straits Settlement.

**46.** This Act shall not extend to the Settlement of Prince of Wales' Island, Singapore and Malacca.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 17th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in two weeks :—

No. 26 OF 1864.

*A Bill to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.*

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal, persons should, for the purpose of being received and detained in prison, be committed to the custody of Officers appointed by the Government of Bengal, instead of to the custody of the Sheriff of Calcutta; it is enacted as follows :—

**1.** In this Act :—

" High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal.

" Justice of the Peace" includes any person duly appointed under the Statute 33 Geo. III, cap. 52, Section 151, to act as a Justice of the Peace within the Provinces of Bengal, Behar, and Orissa, and also any person duly appointed under the Statute 2 and 3 William IV, cap. 117, Section 1, to act as a Justice of the Peace within the town of Calcutta.

" Magistrate" denotes a Magistrate of Police appointed under Act XIII of 1856.



"Superintendent of the Presidency Jail" denotes any Officer appointed under this Act to receive and keep prisoners.

**2.** Sections 47, 48, 49, 50, 51 and 52 of Act XVIII of 1862 (to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature), and Act XXV of 1863 (to empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction), are hereby repealed.

**3.** After the commencement of this Act, no person shall be committed to the Sheriff of Calcutta to be received and detained in prison; and the Judges, of the exercise of their original Criminal jurisdiction shall not award and issue writs to the Sheriff of Calcutta commanding him to arrest and seize the bodies of offenders, and bring them to such place and them to keep until they shall be delivered by due course of law.

**4.** It shall be lawful for the Government of Bengal to appoint an Officer who shall, under the name of Superintendent of the Presidency Jail, have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

**5.** Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment, simple or rigorous, or to death, such person shall be delivered to the Superintendent of the Presidency Jail together with the warrant of the said Court, and such warrant shall be executed by such Officer, and returned by him to the High Court when executed.

**6.** Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, such person shall be delivered for intermediate custody to the Superintendent of the Presidency Jail; and from such delivery the imprisonment of such person shall have effect in accordance with the provisions of Act XXXV of 1860 (relating to the transportation of convicts).

**7.** Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta to imprisonment with or without hard labour, and whenever any person shall be imprisoned for default of payment of any fine imposed by any such Magistrate, such person shall be

delivered to the Superintendent of the Presidency Jail, together with a warrant of the Court.

**8.** The Superintendent of the Presidency Jail shall detain the person so delivered to him according to the exigency of such warrant, and shall return such warrant when executed to the Court whence it issued.

**9.** Persons committed by a Justice of the Peace for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the Superintendent of the Presidency Jail, together with a warrant of commitment, directing him to have the bodies of such persons before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

**10.** Every person arrested in pursuance of a warrant of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta under Act IX of 1850 (for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay), shall be delivered by the proper Officer of the Court executing such warrant, together with a copy of such warrant, to the Superintendent of the Presidency Jail; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

**11.** The Superintendent of the Presidency Jail shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

**12.** From and after the passing of this Act, all persons confined in the House of Correction, or the Great Jail of Calcutta, whether under the sentence of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, or of the High Court, or of any Police Magistrate, shall be considered to be and shall remain in the custody of the Superintendent of the Presidency Jail according to the terms of the warrants under which they have been respectively committed to custody.

**13.** Any warrant of commitment under Regulation III, 1818, of the Bengal Code, may be directed to the Superintendent of the Presidency Jail in the same manner as the same might have been directed to the Sheriff under Act XXXIV of 1850 (for the better custody of State Prisoners) and Act III of 1858 (to amend the Law relating to the arrest and detention of State Prisoners).



**14.** The provisions contained in the Statute 11 Vic., cap. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), relating to persons in prison or liable to be arrested or detained in or remanded or re-committed to, or entitled to be discharged from prison within the limits of the town of Calcutta, shall apply to all persons in the custody of the Superintendent of the Presidency Jail, or liable to be delivered to or entitled to be discharged from his custody.

**15.** This Act shall come into operation on the day of Commencement of the Act. 1865.

**16.** The provisions of this Act may be extended to the local jurisdictions of Her Majesty's High Courts of Judicature at Madras and Bombay respectively by notification in the *Gazette of India*: such provisions when so extended shall, *mutatis mutandis*, relate to the custody of prisoners in such jurisdictions; and so much of the Regulations or Acts for the time being in force in such jurisdictions respectively as is in any way inconsistent with or repugnant to any of the provisions of this Act shall thenceforward cease to have effect in such jurisdictions.

#### STATEMENT OF OBJECTS AND REASONS.

The primary object of the present Bill is to remove the Great Jail of Calcutta from the control of the Sheriff, and to transfer it to that of the Government of Bengal.

The Sheriff of Calcutta, who has at present the exclusive control of the whole Jail, except the House of Correction, is not responsible to Government for the proper discharge of his duties. Much inconvenience has hence resulted. The Commissioner of Police, who manages the House of Correction, does not reside within the limits of the Jail, and cannot therefore give it the requisite personal attention. It is moreover desirable to provide that the Jail should be inspected more scientifically and regularly than can be done by the Visiting Justices, on whom that duty now devolves. The present Bill proposes to supply these defects by relieving the Sheriff and the Commissioner of Police from all concern with the Jail, and by placing the Officer in charge of it, as in the case of Jails in the Mofussil, under the authority of the Inspector-General and through him of the Government of Bengal.

Power is given to the Governors in Council of Madras and Bombay respectively, to deal in like manner with the Jails of Madras and Bombay.

CECIL BEADON.

*The 4th February 1865.*

WHITLEY STOKES,

*Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).*

#### HOME DEPARTMENT.

No. 1756.

*Fort William, the 21st February 1865.*

#### NOTIFICATIONS.

The Hon'ble E. P. Levinge, Puisne Judge of the High Court, has obtained leave of absence for two months under Section 6 of the Revised Covenanted Absentee Rules, with effect from the 22nd instant.

No. 1757.

*The 22nd February 1865.*

The Governor General in Council is pleased to declare, under Section 44 of Act XXII of 1864, that in respect to the Courts of Small Causes in the Cantonments of

Delhi,	Meean Meer,
Umballa,	Ferozepore,
Jullundur,	Rawul Pindee,
Sealkote,	Mooltan, and
Umritsur,	Peshawur,

the Judicial Commissioner of the Punjab shall exercise the powers vested in the Sudder Court by the provisions of Act XLII of 1860.

No. 1758.

The Governor General in Council is pleased, under the provisions of Section 6 of Act XXIV of 1855, to declare that the Penitentiary at Hazareebagh shall be a place for the confinement of prisoners sentenced to penal servitude.

No. 1759.

*The 23rd February 1865.*

Under the provisions of the Act of Parliament 24 and 25 Victoria, Chapter 104, Section 7, the Governor General in Council has been pleased to appoint Arthur George Macpherson, Esquire, Barrister at Law, to officiate until further orders as a Judge of the High Court of Judicature at Fort William in Bengal.

No. 1760.

\* Mr. J. B. Worgan, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year from the date of embarkation.

No. 1761.

The under-mentioned gentlemen, appointed by the Secretary of State for India Members of Her Majesty's Civil Service on the Bengal Establishment, have reported their arrival at Calcutta per Steam Ship "Candia," which arrived on the 12th November:—

Messrs. Francis Porten Beachcroft, Hamilton Winkeep Gordon, and Alexander Manson.

Notification No. 5518, dated the 18th November 1864, is cancelled.

No. 1762.

The Reverend W. W. Phelps reported his departure from India on the 10th instant, on the furlough granted to him in Notification No. 5318, dated the 11th November 1864.

## No. 1763.

The Governor General in Council is pleased to invest the under-mentioned Tehseeldar in the Central Provinces with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II, Section 22 of Act XXV of 1861 :—

Pundit Imrit Rao.

## No. 1764.

Kishen Singh Gountiah is invested with the powers of a Subordinate Magistrate of the 2nd Class, as defined in Section 22 of the Code of Criminal Procedure in the District of Jubbulpore.

## No. 1765.

Mr. G. Law, Honorary Assistant Surgeon, is transferred temporarily from the Nagpore to the Bhundara District to assume medical charge of that Station, pending Doctor Reid's arrival.

Mr. Law assumed charge of the Civil medical duties on the afternoon of the 28th January 1865.

## No. 1766.

Lieutenant M. M. Bowie, Assistant Commissioner, Sumbulpore, in the Central Provinces, officiated as District Superintendent of Police of that District from the 24th October to the 15th November 1864, inclusive.

## No. 1767.

Mr. John Halliday is appointed an Honorary Magistrate for the town and district of Rangoon in the room of Mr. James Cameron Todd, deceased.

Mr. John Halliday is also invested with the powers of a Magistrate under Section 22 of the Code of Criminal Procedure.

## No. 1768.

Mr. A. Thomas, in medical charge of Kyook Phyoo, British Burmah, has obtained six months' leave on medical certificate with effect from the 12th of December 1864.

## No. 1769.

Mr. C. E. Pyster, in medical charge of Sandoway, British Burmah, has obtained leave of absence on medical certificate for three months, with effect from the 24th of December 1864.

## No. 1770.

Major J. F. J. Stevenson, Deputy Commissioner of Bassein, held charge of the Office of Superintendent of Police at that Station from the forenoon of the 2nd May to the forenoon of the 8th June 1864.

## No. 1771.

The under-mentioned Officer in British Burmah is invested with the powers of a Subordinate Magistrate of the 2nd Class described in Section 22 of Act XXV of 1861, within the district of Moulmein, in British Burmah :—

Mr. M. Slyn, Assistant Conservator of Forests, in charge of the Kuddoe Timber Revenue Station.

## No. 1772.

The under-mentioned Officer in British Burmah is invested with the powers of a Subordinate

Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

Moung Kyait, Extra Assistant Commissioner, 3rd Class.

## No. 1773.

Captain M. Lloyd, Deputy Commissioner, made over charge of the Office of Superintendent of Police in the District of Toungoo, British Burmah, to Lieutenant M. C. Poole, Assistant Superintendent of Police, on the forenoon of the 26th January 1865.

## No. 1774.

Mr. George Belcham, 3rd Class Sub-Assistant, Great Trigonometrical Survey, is promoted to the 2nd Class, with effect from the 1st of December last.

## No. 1775.

One month's preparatory leave of absence has been granted to Captain T. G. Montgomerie, R. E., Astronomical Assistant, Great Trigonometrical Survey, with effect from the date on which he may avail himself of the same.

## No. 1776.

Mr. E. Foy, Assistant Revenue Surveyor, 3rd Class, is transferred from the North-West Frontier to the 4th Division Central Provinces.

E. C. BAYLEY,  
Secy. to the Govt. of India.

## FOREIGN DEPARTMENT.

## REVENUE.

## No. 91.

*Fort William, the 22nd February 1865.*

Under the provisions of Section 7 of Act XXIII, 1863, His Excellency the Governor General in Council is pleased to constitute the following Courts in British Burmah for the investigation and trial of claims under the above Act :—

## PEGU DIVISION.

## RANGOON.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Magistrate.  
Mr. George Bulloch. } Honorary Magistrates.  
Mr. John Halliday. }  
Superintendent of Police.  
Civil Surgeon.  
Oo Oung Bo (a trader).

## BASSEIN.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Commissioner.  
Superintendent of Police.  
Medical Officer of Bassein.  
Moung Byke (an elder).

## PROME.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Commissioner.

Superintendent of Police.  
Medical Officer of Prome.  
Oo tha Myo (an elder).

## MYANOUNG.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Superintendent of Police.  
Extra Assistant Commissioner.  
Medical Officer of Myanounng.  
Oo Tseet (an elder).

## TOUNGHOO.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Commissioner.  
Assistant Superintendent of Police.  
Extra Assistant Commissioner.  
Oo Bouk (an elder).

## TENASSERIM DIVISION.

## AMHERST.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Magistrate of Moulmein.  
Mr. G. Buchanan. } Honorary Magistrates.  
Mr. R. Hannay. }  
Superintendent of Police.  
Civil Surgeon.  
Oo Oung Bo (a trader).

## MARTABAN.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Commissioner.  
Superintendent of Police.  
Medical Officer of Shwe-gyeen.  
Oo Yai (an elder).

## TAVOY.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Superintendent of Police.  
Medical Officer of Tavoy.  
Extra Assistant Commissioner.  
Moung Shwe Att (an elder).

## MERGUI.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Superintendent of Police.  
Extra Assistant Commissioner.  
Medical Officer of Mergui.  
Moung Kulla (an elder).

## ARRACAN DIVISION.

## AKYAB.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Magistrate.  
Mr. J. Bulloch. } Honorary Magistrates.  
Retired Surgeon Major }  
J. W. Mountjoy. }  
Medical Officer of Akyab.  
Superintendent of Police.  
Nyohla Phroo (a trader).

## RAMREE.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Superintendent of Police.  
Extra Assistant Commissioner.

Medical Officer of Kyouk Phyoo.  
Moung Boo (an elder).

## SANDOWAY.

Three or more of the following gentlemen :—  
Deputy Commissioner.  
Assistant Superintendent of Police.  
Extra Assistant Commissioner.  
Medical Officer of Sandoway.  
Nga Get Kay (an elder).

## MILITARY.

No. 77.

*The 22nd February 1865.*

Dr. L. F. Dickson is appointed to the medical charge of the Meywar Bheel Corps, in the room of Assistant Surgeon F. H. O'Donel.

## POLITICAL.

No. 153.

*The 21st February 1865.*

His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Robert Bain as Consular Agent for the United States at Penang.

## GENERAL.

No. 411.

*The 21st February 1865.*

Colonel J. G. Balmain, Commissioner of the Chutteesgurh Division, in the Central Provinces, has obtained thirty-seven days' preparatory leave of absence, from such date as he may avail himself of it, for the purpose of appearing before a Medical Board, with a view to obtaining leave on medical certificate to England.

The following arrangements are made in consequence :—

Captain W. Nembhard, Deputy Commissioner, Jubbulpore, to officiate as Commissioner of the Chutteesgurh Division.

Mr. C. Grant, Settlement Officer of Nursingpore, to officiate as Deputy Commissioner of Jubbulpore.

Mr. A. M. Russell, Assistant Settlement Officer, Dumoh, to take charge of the Nursingpore Settlements, in addition to his other duties.

No. 413.

Mr. W. Ramsay, Settlement Officer of Chindwarrah, in the Central Provinces, has obtained six months' leave of absence on private affairs, under Section 6 of the Civil Absentee Rules, from the date on which he may avail himself of it.

No. 423.

*The 22nd February 1865.*

Lieutenant J. H. Plowden, Officiating Deputy Commissioner, Wurda, in the Central Provinces, has obtained thirty days' preparatory leave of absence, from the 16th February 1865, or such date as he may avail himself of it, for the purpose of appearing before a Medical Board, with a view to obtaining leave on medical certificate to England.

No. 425.

Lieutenant Colonel D. Brown, Deputy Commissioner, 2nd Grade, British Burmah, made over charge of his Office and Treasury of Amherst to

Mr. G. E. Barr, Officiating Assistant Commissioner, 3rd Grade, on the noon of 23rd January 1865.

Lieutenant W. C. Plant, Assistant Commissioner, 2nd Grade, made over charge of the Promer District Treasury, at Thayetmyo, to Lieutenant H. R. Spearman, Assistant Commissioner, 3rd Grade, on the afternoon of the 12th January 1865.

#### No. 426.

Captain W. P. Harrison, Deputy Commissioner, Officiating, 3rd Grade, British Burmah, received charge of the Martaban District and Treasury from Mr. W. DeCourcy Ireland, Assistant Commissioner, 3rd Grade, in the forenoon of the 16th January 1865.

#### No. 432.

Lieutenant W. E. Forbes, Assistant Settlement Officer, in Oudh, has obtained leave of absence for twenty-eight days from the 10th instant, or from such date as he may avail himself of it, preparatory to applying for further leave to Europe on medical certificate.

#### No. 434.

The services of Mr. C. M. Rivaz, c. s., are placed at the disposal of the Punjab Government.

#### No. 441.

Captain C. T. O. Mayne, Assistant Commissioner, South-West Berar, returned to his duty on the forenoon of the 13th January 1865, from the leave granted him in G. O. No. 187, dated 25th ultimo.

A. COLVIN,

*Offg. Under Secy. to the Govt. of India.*

### FINANCIAL DEPARTMENT.

#### No. 1004.

*Fort William, the 21st February 1865.*

#### NOTIFICATION.

Baboo Khetter Mohun Chatterjee received charge of the Office of Fourth Assistant Auditor General of India from Mr. G. W. Macleod, in the forenoon of the 17th February 1865.

E. H. LUSHINGTON,  
*Secy. to the Govt. of India.*

### MILITARY DEPARTMENT.

*Fort William, the 20th February 1865.*

No. 183 of 1865.—The following order issued by the Government of Fort St. George is confirmed:—

No. 41, dated 27th January 1865.—Granting leave of absence to the Cape of Good Hope, on medical certificate, to Major F. Angels, of the Bengal Invalid Establishment. } For 2 years, under the old Regulations.

No. 184 of 1865.—With reference to the Notifications from the Foreign Department noted in the margin, the services of the under-mentioned Officers are placed at the disposal of His Excellency the Commander-in-Chief, those of Assistant Surgeon Cheke from the 1st proximo:—

Lieutenant S. C. Mactier, late 15th Native Infantry, Officiating Adjutant of the Malwa Bheel Corps.

Assistant Surgeon G. N. Cheke, in Medical charge of the Nepal Residency.

No. 185 of 1865.—Captain C. Baily, late 17th Native Infantry, is allowed an extension of leave from the 22nd January to the 10th February 1865, the date on which he returned to Bengal from sick leave to the Australian Colonies.

No. 186 of 1865.—The under-mentioned Soldiers are admitted to pension as specified opposite to their respective names:—

Bombardier Cornelius Hastings, of No. 2 Battery Bengal Artillery.	} 1s. (one shilling) per diem, payable in Europe.
Gunner James Dunohue, of No. 2 Battery Bengal Artillery.	

No. 187 of 1865.—The under-mentioned Officers have reported their return from England:—

*Date of arrival at Fort William.*

Captain A. A. Bruce, of the Bengal Staff Corps.	} 12th February 1865.
Captain F. B. Foote, of the Bengal Staff Corps.	
Lieutenant J. H. Maling, of the General List, Infantry.	
Lieutenant R. S. Green, of the General List, Infantry.	
Surgeon A. J. Payne, M. D. and B. A., of the Medical Department, Superintendent of the European and Native Insane Asylums at Bhowanepore and Dullunda.	

*The 21st February 1865.*

No. 188 of 1865.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 414 of the 31st December 1864, is published for general information:—

MILITARY. INDIA OFFICE,  
No. 414. London, 31st December 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have to inform you that Her Majesty has been pleased to approve of the appointment of Lieutenant Colonel and Brevet-Colonel Thomas Williams, c. b., 4th Foot, to the Staff of the Army in the East Indies as a Major General, vice Major General Lord G. A. F. Paget, c. b., who is to be placed on the Staff of the Army in Great Britain from the 1st April 1865.

I have, &c.,  
(Signed) C. Wood.



No. 189 of 1865.—Magazine Sergeant Thomas Arnold, having passed the prescribed examination, is appointed to officiate as Sub-Conductor in the Ordnance Department to fill an existing vacancy.

No. 190 of 1865.—On the recommendation of His Excellency the Commander-in-Chief, the Dooar Field Force is divided into two distinct Brigades, to be denominated the *Right* and *Left* Brigades, respectively, of the Dooar Field Force.

The former will be under Command of Brigadier General H. Tombs, c. B., v. C., and the latter under Command of Brigadier General J. M. B. F. Tytler, c. B.

Brigadier General Tombs will retain the rank and pay of a Brigadier General of the First Class while employed with the Dooar Field Force.

No. 191 of 1865.—Brevet Major M. C. Sankey, of the Royal Artillery, Brigade Major to the Inspector of Artillery, Southern Division, Bengal Presidency, is appointed to act as Brigade Major to the Right Brigade Dooar Field Force.

No. 192 of 1865.—The under-mentioned Commissioned and Warrant Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Assistant Surgeon George Cochet Chesnaye, of the Medical Department, 2nd Assistant Surgeon, Allahabad General Hospital.	} For 20 months, under the new Regulations.
Conductor Alfred Simmons, of the Army Commissariat Department.	
Sub-Conductor Charles Montagu, of the Department of Public Works.	} For 20 months.
	} For one year.

*The 22nd February 1865.*

No. 193 of 1865.—The under-mentioned Officer has reported his return from England :—

Major W. Paske, of the Bengal Staff Corps.	Date of arrival at Fort William.
	12th February 1865.

No. 194 of 1865.—Captain C. Kelvey, of No. 5 Company, Calcutta Volunteer Rifle Corps, is allowed leave of absence to Europe for one year, from the 23rd instant.

*The 23rd February 1865.*

No. 195 of 1865.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified below :—

Lieutenant G. C. B. Simmons	Date of arrival at Fort William.
	18th Feb. 1865.

No. 196 of 1865.—The under-mentioned Soldier is admitted to pension, as specified opposite to his name :—

Private John Maher, of the Lahore Light Horse.	} Equivalent to 1s. (one shilling) per diem, payable in India.

*The 24th February 1865.*

No. 197 of 1865.—Captain H. B. Lockwood, late 4th European Light Cavalry, attached to the Stud Department, officiated as Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General of India from the 15th January to the 17th instant, during the absence from the Presidency on special duty of Lieutenant Colonel S. Blane, Aide-de-Camp.

No. 198 of 1865.—The services of Ensign R. G. Kennedy, of Her Majesty's 55th Foot, Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General, are placed temporarily at the disposal of His Excellency the Commander-in-Chief for Field Service with his Regiment ordered to join the Dooar Field Force, with effect from the date of arrival at the Presidency of the Head Quarters of the Regiment.

No. 199 of 1865.—His Excellency the Viceroy and Governor General of India has been pleased to appoint Captain H. B. Lockwood, of the late 4th European Light Cavalry, attached to the Stud Department, to officiate as Aide-de-Camp on His Excellency's Personal Staff, during the temporary absence of Ensign R. G. Kennedy, of Her Majesty's 55th Foot, with his Regiment on Field Service, or until further orders.

No. 200 of 1865.—Major N. E. Boileau, of the Bengal Staff Corps, Deputy Judge Advocate General, Peshawur Division, is allowed an extension of leave to the 11th January 1865, the date on which he returned to Bengal from furlough to Europe.

No. 201 of 1865.—The under-mentioned Officers have reported their return from England :—

Lieutenant (Brevet Captain) H. R. B. Worsley, of the late 47th Regiment Native Infantry, Quarter Master, 7th Regiment Native Infantry	Date of arrival at Fort William.
Lieutenant W. G. Maitland, of the late 39th Regiment Native Infantry	} 18th February 1865.
Captain H. R. Osborn, of the Bengal Staff Corps, 2nd Squadron Officer, 5th Bengal Cavalry	
Lieutenant J. B. Brander, of the late 37th Regiment Native Infantry	} 20th February 1865.

No. 202 of 1865.—The under-mentioned Officer having completed twenty years' service, six years of which were on permanent Staff employ, to be Major from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :

*Bengal Staff Corps.*

Captain W. C. R. Mylne, 20th February 1865.

No. 203 of 1865.—The under-mentioned Officer having completed twelve years' service, four years

of which were on permanent Staff employ, to be Captain from the date specified opposite to his name under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval.

*Bengal Staff Corps.*

Lieutenant (Brevet Captain) } 19th February  
R. M. Sewell ... } 1865.

H. W. NORMAN, Colonel,  
Secy. to the Govt. of India.

**PUBLIC WORKS DEPARTMENT.**

**ESTABLISHMENT.**

No. 54.

*Port William, the 20th February 1865.*

**NOTIFICATIONS.**

Captain B. J. C. Prior, s. c., Officiating Controller and Examiner, Public Works Accounts, Central Provinces, availed himself, on the 3rd instant, of the two months' privilege leave granted him in Notification No. 12 of 16th January last.

No. 55.

*The 21st February 1865.*

Captain W. D. Chapman, m. s. c., Executive Engineer, 4th Class, Central Provinces, is granted one month's preparatory leave with effect from 1st August 1864.

No. 56.

Lieutenant Pole, R. E., is appointed an Assistant Engineer, 2nd Class, Department of Public Works, and posted to Mysore.

No. 57.

*The 22nd February 1865.*

Mr. F. R. Boyce, Assistant to the Chief Engineer and Assistant Secretary to Government of Bengal, Public Works Department, is appointed to officiate as Controller, Second Class, of Public Works Accounts, Bengal, in addition to his own duties, during the absence on special duty of Captain Trevor, or until further orders.

No. 58.

The services of Private J. A. Patterson, Overseer, 3rd Grade, Bengal, are placed at the disposal of the Government North-Western Provinces, for employment as Assistant Master in the Thomason College.

No. 59.

*The 23rd February 1865.*

Mr. A. D. Campbell, Assistant Engineer, 1st Class, North-Western Provinces, passed the Examination in Hindoostanee contemplated in G. O. G. G. dated 9th January 1837, and 31st May 1844, on the 9th January 1865.

No. 60.

In Notification No. 4 of the 4th January 1865, Sergeant H. B. Jackson should have been designated a Supervisor, 1st Grade.

No. 61.

Captain H. Z. Darrah, s. c., Executive Engineer, 4th Class, assumed charge of the Tounghoo Division of Public Works, British Burmah, on the 2nd January 1865.

No. 62.

Mr. C. B. Leupolt, Probationary Assistant Engineer, Punjab, passed the colloquial Examination in Hindoostanee on the 24th January 1865.

No. 63.

Notification No. 273 of the 3rd October last, appointing Mr. R. N. Coxen to the Department of Public Works, Bengal, as an Assistant Engineer, 1st Class, is cancelled.

No. 64.

His Excellency the Governor General in Council is pleased to make the following appointments:—

Lieutenant Colonel W. Maxwell, R. A., Superintending Engineer, 1st Class, Bengal, to be Chief Engineer, and Secretary to the Chief Commissioner, Central Provinces, with the rank of Chief Engineer, 2nd Class.

Lieutenant Colonel J. E. T. Nicolls, R. E., Superintending Engineer, 1st Class, North-Western Provinces, and Officiating Chief Engineer, and Secretary to the Chief Commissioner, Oudh, to officiate as Chief Engineer, 1st Class, and Secretary to the Government of Bengal.

Lieutenant Colonel C. W. Hutchinson, R. E., Superintending Engineer, 1st Class, Punjab, to officiate as Chief Engineer, 2nd Class, and Secretary to Chief Commissioner of Oudh.

Lieutenant Colonel C. J. Hodgson, R. E., Consulting Engineer for Railways in Oudh and Rohilkhand (which appointment is now abolished), to be a Superintending Engineer, 1st Class, vice Lieutenant Colonel W. Maxwell. Lieutenant Colonel Hodgson will continue to officiate as Chief Engineer, 1st Class, and Secretary to Government, North-Western Provinces.

Captain C. T. Stewart, R. E., Executive Engineer, 1st Class, North-Western Provinces, to officiate as Superintending Engineer in the North-Western Provinces.

Lieutenant Colonel J. D. Campbell, Superintending Engineer, 1st Class, is transferred from the North-Western Provinces to the Punjab.

No. 65.

*The 24th February 1865.*

Mr. H. Hutton, Overseer, 2nd Grade, is transferred from the Light House Circle to British Burmah and posted to the Rangoon Division, with effect from the 13th February 1865.

E. C. S. WILLIAMS, Captain, R. E.  
Under Secy. to the Govt. of India.

## ADVERTISEMENT.

## NOTIFICATION.

Instances having recently occurred of Officers in the North-Western Provinces submitting requisitions for leave to Calcutta from a misinterpretation of the instructions contained in this Office Notification published in the *Gazette of India* of the 31st December 1864, page 994, and in the *Calcutta Gazette* of the 11th January 1865, page 47; it is hereby notified that those instructions were intended to apply only to Officers whose Bills have hitherto been audited by the Civil Pay Master, Fort William.

HUGH SANDEMAN,  
Accountant General, Bengal.

The 23rd February 1865.

## NOTIFICATION.

It is hereby notified that, under instructions from the Government of Bengal, a Treasury has been established at the Station of Mynagooree, in the Western Doars of Bhootan, under the control of the Deputy Commissioner for the Western Doars.

The Officer in charge of the Treasury at Mynagooree is authorised to issue Supply Bills and Transfer Receipts, payable from other Treasuries under the operations of the existing rules, but his Treasury should be drawn upon on the public service only, except for remittances to the Officers and men of the Forces in the Doars.

HUGH SANDEMAN,  
Accountant General, Bengal.

CALCUTTA;  
BENGAL ACCT. GENL.'S OFFICE, }  
The 20th February 1865.

No. 56.

## NOTIFICATION.

LOST, STOLEN, OR DESTROYED.

The under-mentioned Government Promissory Note deposited in the Treasure Chest of the late Cawnpore Executive Commissary Officer of this Division (Deputy Assistant Commissary General Captain W. W. Williamson), on the outbreak of the mutiny in the month of June 1857, by Sewbux Roy and Bissen Nath, late Contractors, is not forthcoming. The Note was endorsed in favor of Executive Commissariat Officer, Cawnpore, by the depositor, and has never been endorsed by him to any other party; payment of this Note and of interest thereupon have been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate Note in favor of the Executive Commissariat Officer, Cawnpore.

No. 10402 of 1854-55, at 4 per cent., for Rs. 1,000.

S. CHALMERS, Capt.,  
Depy. Asst. Commy. Genl.

CAWNPORE EXE. COMMT. OFFICE, }  
The 18th February 1865.

## NOTIFICATION.

With reference to Order No. 110 in the *Gazette of India*, dated 21st January 1865, it is notified that the Sudder Station of the Woon District is Yewutmull, and that letters should be addressed "via Karinjah."

R. HUDLESTON,  
Depy. Commr., South-East Berar.

YEWUTMULL, }  
The 6th February 1865.

## NOTIFICATION.

The districts of East and West Berar having recently been sub-divided, the following Revised List of Districts comprised in the Hyderabad Assigned Districts is published for the guidance of Treasury Officers, with an intimation that Bills and Remittance Receipts cannot be drawn on the Deputy Commissioners of Maiker and Woon, who have no separate Treasuries attached to their respective Offices:—

## List of Berar Districts.

Name.	Designation of Officers.
Akolah District	} Deputy Commissioner.
Oomrawuttee ditto	
Maiker ditto	
Woon ditto	

J. ROSE,  
Head Assistant in Charge  
Depy. Audr. and Acctt.  
Genl.'s Office, Hyderabad.

OFFICE OF DEPY. AUDR. AND  
ACCTT. GENL., HYDERABAD, }  
Bolarum, 2nd February 1865.

## NOTIFICATION.

Whereas much inconvenience and difficulty is experienced in the Loan and Interest Departments of this Office in tracing endorsements and receipts for interest written across the reverse of Government Promissory Notes presented for renewal or interest, notice is hereby given, with the sanction of Government, that in future cross receipts for interest will not be accepted, or further interest paid upon any note the reverse of which is filled up. The holders of notes so filled up can obtain new notes on application to the Loan Office, and on payment of the usual fees.

R. P. HARRISON,  
Acctt. Genl. to the Govt. of India.

## NOTICE.

Notice is hereby given that the Public Service Transfer Receipts will bear a higher number than it has hitherto been used from this date. The number will commence with No. 18101. The former series ended with No. 12050.

H. BATTS,  
In charge, Treasury.

FYZABAD TREASURY, }  
The 15th February 1865.

## NOTICE.

The Interest and Responsibility of Mr. Walter Brett in the *Englishman* Press and Newspaper ceased on the 31st December 1864, by consent.

WALTER BRETT.

J. O'B. SAUNDERS,

Managing Proprietor,  
"Englishman."

CALCUTTA,  
22nd February 1865. }

## COMMISSARIAT NOTIFICATION.

I. Under instructions from Government, the Tannery at Hoonsoor, near Mysore, with all fixtures, is to be disposed of, and notice is hereby given that tenders for the same will be received by the Deputy Commissary General at his Office at Madras, up to 12 o'clock noon of Tuesday, the 21st March 1865.

II. The Tannery stands in an enclosed yard about 626 feet long by 473 feet broad, and is situated on the "Lutchmen Treert" River, has an ample supply of water, and comprises—

"Bark and Raw Hide store-rooms,

"Lime and Bark Pits,

"Upper-storied Carrier's shop,

"Buff Mill,

"Work shop,

"Store Godowns for finished goods,"

with all the other requisite buildings for a business capable of turning out 2,000 Hides a month in the best style.

III. The Tannery will be made over to the successful competitor on the 1st of July 1865, on his complying with conditions hereinafter mentioned.

IV. There is a large quantity of stock, raw and in process of tanning, on hand, which the successful competitor for the Tannery will have the option of taking at a valuation, composed of Australian, Cape, and Country Bullock, Buffalos, Sheep, and Goat Hides.

V. One-third of the price to be paid down in cash on the acceptance of the successful tenders being declared, and the balance on or before the 1st July 1865.

VI. Should the successful competitor for the Tannery take the stock at a valuation, transfer of the whole property can be made at once on payment of balance of price.

VII. Failing the due fulfilment of this engagement, the purchaser will forfeit the aforesaid third of the purchase money.

VIII. Any further information required can be obtained on application at the Commissary General's Office, or to the Deputy Assistant Commissary General at Hoonsoor, who will show the Tannery.

IX. Intending purchasers must satisfy themselves of the nature and description of the Buildings and Articles. This Department will not be answerable for any errors of description.

By order,

E. E. MILLER, *Lieut. Colonel,*

*Deputy Commissary General.*

COMMY. GENERAL'S OFFICE, }  
Madras, 21st January 1865. }

## BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XI, corrected in the office of the Adjutant General up to the 1st of January 1865, is now ready. Price five Rupees in advance, and eight annas extra if sent by post. Apply to

CALCUTTA,  
6, Bankshall Street. } O. T. CUTTER, *Publisher.*

## NOTICE.

Mr. Robert Stewart is authorised to sign our Firm.

GLADSTONE, WYLLIE, AND CO.

CALCUTTA,  
20th February 1865. }

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# SUPPLEMENT TO The Gazette of India.

CALCUTTA, SATURDAY, MARCH 4, 1865.

## OFFICIAL PAPERS.

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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*No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.*

### Government of India.

**Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic. cap. 67.**

The Council met at Government House on Friday, the 24th February 1865.

#### PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.

Major General the Hon'ble Sir R. Napier, K.C.B.

The Hon'ble H. B. Harington.

The Hon'ble H. Sumner Maine.

The Hon'ble Sir C. E. Trevelyan, K. C. B.

The Hon'ble W. Grey.

The Hon'ble H. L. Anderson.

The Hon'ble J. N. Bullen.

The Hon'ble Mahārājā Vijayarāma Gajapati, Rāj Bahādūr of Vizianagaram.

The Hon'ble Rājā Sāhib Dyal Bahādūr.

The Hon'ble G. Noble Taylor.

The Hon'ble W. Muir.

The Hon'ble R. N. Cust.

The Hon'ble Mahārājā Dhiraj Mahtab Chand Bahādūr, Mahārājā of Burdwan.

The Hon'ble D. Cowie.

#### SUCCESSION AND INHERITANCE (PARSEES') BILL.

The Hon'ble Mr. ANDERSON introduced the Bill to define and amend the law relating to Succession and Inheritance among the Parsees, and moved that it be referred to a Select Committee.

He said—"I have the honour, Sir, to introduce the Bill to define and amend the law relative to intestate succession among the Parsees," and to move that it be referred for consideration to a Select Committee.

As the Bill is a very short Bill, and as I recently explained its provisions at some length, I do not propose to detain the Council with any detailed statement on the present occasion. I would only repeat that the principal and almost only provision of the Bill is the reduction of the share which females shall take in succession to intestate property. The distinction to be drawn between the provisions relative to such property in the Indian Civil Code, and the provisions of the measure now submitted, is, that the former contemplates that men possessed of considerable property will, as a rule, make Wills. The distribution, therefore, proposed has chiefly had in view small properties, and with reference to such properties, it is a just and fair one. But the Parsees, on the other hand, are extremely averse from making Wills. Their measure then presumes, that large properties will be left intestate, and the distribution which they propose is that which a reasonable and provident man would make, were he framing a Will. For example—to take the instance which I suggested on a former occasion—a man dies leaving a widow, two sons, and two daughters. His property, we will assume, is worth £12,000; each son would then receive £4,000, the widow £2,000, and each daughter £1,000. Now putting aside the obligations imposed on sons, among Parsees, by their religious and social usages, I think if a Will to this effect were made by an Englishman, it would not be thought an unreasonable one. I make these remarks because I have just read in a public print of high character and ability of which I wish to speak with all respect, that the Bill I am introducing is a "semi-barbarous" measure. I confess that I am unable to understand in what the barbarous component consists. Gavelkind and

Borough-English, which still exist in parts of England, may be called semi-barbarous, but there is no provision in the present Bill which deserves such an epithet. A French Jurist would not be justified in designating the English Law of Primogeniture semi-barbarous, because it differed from the law of his own country, and an English Jurist for the same reason would not be justified in applying the same censure to the French Law which prescribes an equal division of landed property. A divergence from English Law does not constitute semi-barbarism; if it did, Scotland would be far removed from civilization. But as I am unwilling to remain under such censure without a successful attempt to justify myself, I beg to be permitted to read the substance of some observations in which I heartily concur.

#### *The Parsees and their Legislation.*

The Parsee Meeting of the 20th August was an event in the history of India. For the first time a Native race has endeavoured by a national effort to remove a national grievance. The Parsees, the wealthiest and most able of the smaller races of India, labour under one special disadvantage. The British Government, though not bound by the pledge so often quoted and denied, has always conceded perfect religious liberty to Mussulmans and Hindús, or rather we should say, it has always conceded those social rights, which, in the East, are unfortunately mingled with religious belief. To employ the official phrase, the Natives settle "questions of divorce, marriage, and inheritance,"—the family bond, and the division of property—for themselves. When these principles came into operation, however, the Parsees were an obscure race of cultivators existing on sufferance in Guzerat and Cutch. Even if any one had known any thing of them or their creed, it would have seemed no special hardship to leave them undistinguished amid the millions of Hindús. They have since become what we know them, the most successful traders, the most active reformers, and the truest friends of the British Government in India. Still they have not been relieved of their disabilities. In the Mofussil, they have been subject to Muhammadan, and in Bombay, to the English Law. The Koran and Blackstone have been the Codes of men who recognize only the Zend Avesta. Up to 1837, they were under the English Law, even in matters of inheritance. In that year, however, a great scandal brought the anomalies of their position into strong relief. A Parsee lad, to the disgust of all around him, claimed the whole of his father's landed property, under the English Law. The idea of primogeniture seems to be opposed in the Native mind to some fundamental principle of justice. The Parsees petitioned the Legislature, and the Legislature passed an Act by which the landed property of the Parsees was declared to be in the nature of chattels real. Intestate estates are still, however, administered according to English Law, while all other difficulties remain unremoved as before. The English Law of marriage is made applicable to a people who have severely the idea of illegitimacy, and the law of divorce is applied to a race to whom the indissolubility of marriage, and the pecuniary penalty for dishonour, are equally abhorrent. Moreover, the Parsees have not even the advantage of a Code recognized among themselves. The force of public opinion might otherwise have supplied the place of legal enactment, and arguments derived from "immemorial custom" must have been attended to by the tribunals. They have no ancient book of laws, no Koran, and no authoritative account even of their *lex non scripta*. No man, therefore, knows the extent of his family rights, or the obligation of his family duties. Every family lawsuit is a lottery, and each man, of course, appeals to the system which best suits his own interest and convenience.

To remedy all these evils, the Parsees called the meeting of the 20th August. It was most numerously attended, and the report is well worthy of attentive perusal. For the first time, a great body of Natives have met to remove a practical grievance by measures calculated to have a practical effect. The Parsees act under no European instigation, for no European has any personal interest in the question. They have benefited by no European guidance, for no European knew anything of the matter in hand. They did their own work by themselves. They used their own language to express their own thoughts. They appointed a Committee entirely of their own race, and their speeches were, for the most part, the free expression of Parsee ideas. In short, they originated instead of merely imitating. Nor was this

perfect independence the only remarkable feature of the meeting. The tone adopted by the speakers in alluding to the British Government was equally observable. Not one speaker but started from the assumption that he lived under a good Government, and that because it was a good Government, he felt assured of ultimate success.

The plan adopted by such men is sure to be practical. The Parsee does not content himself with declaiming against injustice. The meeting listened to a quiet and indeed understated account of their grievance, and then resolved that a Managing Committee should be appointed to draw up a Code, embodying their ideas upon marriage, inheritance, and divorce. That this Code so prepared should be entrusted to Mr. Lottet, and that the Legislative Council should be earnestly entreated to pass it into law. There is little chance that the request will be refused. The Council has no prejudices in favour of any special system upon these points, and, least of all, any prejudice in favour of the English regulation of them. It will scarcely object to sanction, directly, rules which, in the case of Hindús and Muhammadans, it already sanctions tacitly. The Parsee request must, we conceive, be granted, and the leaders of the movement will have the credit of having, by one temperate effort, removed a long-standing grievance.

When reading sentiments like these, I can only recall the Bristol Election of 1774, and play the part of Creevey to the Burke of this able writer. They contain, I submit, my complete absolution from the charge of having submitted a semi-barbarous measure to the Council, and I therefore in all good humour appeal from the *Friend of India* of 1865 to the *Friend of India* of 1855.

There is another observation which I would wish to submit. The Indian Law Commissioners, not having the report of Sir Joseph Arnould's Commission before them, were of opinion that the Parsees were not entitled to separate legislation. They have recently been again addressed on the subject by Her Majesty's Secretary of State, who had taken a different view. Since the last meeting of the Council, I have received a letter from England, stating that the Indian Law Commissioners have informed the Secretary of State that they have now no objection to separate legislation for the Parsees in relation to intestate property, but that in their opinion the Parsees should be subject to that part of the Civil Code which relates to testamentary succession. I would submit that this is the exact course which it is proposed in the present Bill to follow.

I should mention that, as this Bill depends upon the Indian Civil Code which has not yet become law, I have not mentioned the date from which it should have effect. In Committee, I shall propose that the date be the 1st January 1866, the date on which the Indian Civil Code will probably come in force. I have, for the same reason, abstained from mentioning a particular period within which the Select Committee should be instructed to report.

The Hon'ble RAJA SAHIB DYAL BAHADUR said that he wished to ask two questions—

*First.*—When the intestate, having been twice married, shall die leaving children by both marriages, are all such children to share alike, or is the collective issue of each marriage to receive an equal share?

*Second.*—Should the second wife of an intestate herself die intestate, will her property descend only to her own children, or to the whole of her husband's children, whether born of herself or his first wife? The Rájá thought these points should be clearly defined in the Bill.

The Hon'ble the MAHARAJA OF VIZIANAGRAM said that the Bill having in substance been prepared by the Parsees themselves, the Council, he

thought, could have little or no objection to pass it. But he confessed he was at a loss to know why in certain cases the females should obtain only a fourth of what the males succeeded to, and in others to one-half; and in others again to an equal share. Sections 1 and 3 for instance provided that the share of each son should be four times the share of each daughter. According to Sections 2 and 4, the shares of the children, whether male or female, were to be equal. On reference to Sections 6 and 7, the general principle followed in the division of the property would seem to be that the males would obtain double of what the females standing in the same degree of propinquity would. He (the Mahārājā) would therefore suggest to the Council that some of the details be taken into their consideration, also the points referred to, before the Bill passed into law.

The Hon'ble Mr. HARRINGTON said it was right he should point out with reference to what had fallen from the Hon'ble Mr. Anderson at the conclusion of his remarks, to the effect that he had specified 'no period in his motion for the Select Committee to make their report, that if the Hon'ble Member's motion was adopted as it now stood, it would not be competent to the Select Committee, under the Rules of the Council, to report upon the Bill until after the expiration of twelve weeks from the date of the publication of the Bill in the Official Gazette. It was generally understood that when a Bill was ordered to be referred to a Select Committee without any instruction as to the time within which the Committee was to make their report, the public would have the full period mentioned in the Rule to which he had referred for considering the Bill and offering any remarks or suggestions in respect to it. It often happened that objections to a Bill were not received by the Select Committee until the time for reporting upon the Bill had arrived. It would not be fair to the public if, without any previous notice, the report of the Select Committee upon the present Bill was made before it was due with a view to the early passing of the Bill. Looking to the important character of the Bill, which proposed to amend the law of a large section of the community on the delicate subject of Inheritance and Succession to property, he did not think that twelve weeks could be considered too long a period for the publication of the Bill. This period was not required for the convenience of the Select Committee, who, if they had only the Bill to consider, would have no difficulty in settling its provisions in a much shorter time. The object in publishing a Bill for twelve weeks was that the public at large, and particularly that portion of it which was chiefly interested in the Bill, might know what was proposed, and have ample time to state any objections that they might have to any part of the Bill. The Bill was not intended for the Parsees in Bombay alone. It was intended also for the Parsees residing in Calcutta, Madras, and in other parts of the country. It might be true that the Bill had been prepared by the Parsees themselves, but it was prepared by only a small body of that community, and they knew that considerable difference of opinion prevailed amongst the Parsees in respect to the provisions of the Bill, which rendered it the more necessary that the Bill should be published for the full time prescribed by the Rules of the Council. Nor was there any reason for hurrying the Bill through the Council. It was not intended that the Indian Civil Code; from some of the provisions of which

it was deemed right to exempt the Parsee community, should take effect until the 1st January 1866, and there would be ample time to pass the Bill before that date, even though it should not become law during the present sittings of the Council. If the Bill proposed only to exempt the Parsees from certain provisions of the Indian Civil Code, he should have no objection to the Bill being passed at once, but the Bill went further, and proposed to alter the existing laws of the Parsees in respect to Inheritance and Succession, which was a very different thing.

The Hon'ble Mr. MAINE said that the question was, whether a Committee could not report at any time it thought proper. He rather thought that, if a Committee considered that longer time was not necessary, there would be no objection to their reporting sooner. He should be very sorry if they had to wait for twelve weeks in every case. Perhaps his Hon'ble friend (Mr. Anderson) would be so good as to inform the Council to what extent the so-called Law Committee of Bombay had authority to speak on behalf of their co-religionists. It would be undesirable to pass a measure like this without the consent of the whole Parsee Community.

The Hon'ble Mr. ANDERSON said, with reference to what had fallen from the Hon'ble Mr. Harrington and the Hon'ble Mr. Maine, that he wished to offer only a few observations. The question before the Council was whether the Parsees should be exempted from the operation of the first Chapter of the Indian Civil Code, or as it was, now to be called "The Indian Succession Act, 1865." The difference between the Parsees in the Mofussil and the Parsees of Bombay was not considerable, and the course taken by the Bombay Parsees was a mean between that Act and the propositions of the Parsees in the Mofussil.

With regard to what fell from his Hon'ble friend Mr. Harrington, he (Mr. Anderson) would first remark that this Bill had really been before the Parsees of India for the last ten years. He could not bring it forward at an earlier period of the Session, because it depended on the fate of the Indian Civil Code. But with regard to Mr. Harrington's remark that they were asked to legislate for only a small portion of the Parsees, he (Mr. Anderson) begged to offer the following observations. First of all, the Parsees of Bombay were numerically the large majority. But besides that, the Council had had the opinions of the Parsees from all parts of the Mofussil, and, except as to a very few points, they, in all material respects, concurred with the Parsees of Bombay. Mr. Harrington had said that there were Parsees in Calcutta. But he (Mr. Anderson) was in a position to state that the Parsees of Calcutta entirely approved of the Bill, and that such was the view conveyed to him by a deputation of Parsee residents in Calcutta whom he had the pleasure of meeting last year. He feared that the Council would consider that on the subject of the Parsees, he was lapsing into a state of boredom, and indeed yesterday his Hon'ble friend Mr. Cust, with that wit and scholarship for which he was remarkable, had observed to him "*Persicos odi, puer, apparatus.*" He hoped the Council would understand that this Bill had come before the Council in another form about five years ago. It had been referred to a Select Committee who said that this measure had not received any expression

of opinion from the Bombay Judges, or the Bombay Government and the local Officers. A Commission had accordingly been appointed, and in order to secure an expression of opinion from the Judges of the High Court, two of them had been appointed Members of the Commission. The Commission examined a great variety of witnesses, and received communications from Parsees in all parts of the Bombay Presidency, from those of Poona, Tannah, Surat, Broach, Ahmedabad, and other places.

He (Mr. Anderson) himself, on behalf of the Government, had sent copies of the Code all over the country. The Report of the Commission convinced the Bombay Government and Her Majesty's Secretary of State. The Bombay Government at that time was composed of men who were not likely to have recommended the measure without due consideration. At the head of the Government was a gentleman who was once a Member of the Government of India. He referred to Sir Bartle Frere. There was also Sir William Mansfield, who was little likely to vote in favour of the measure without a conviction of its propriety. He would also refer to the Hon'ble Mr. Frere who for years had been Judge at Surat, and who for about twelve years had been in Bombay either as the Chief Judge of the Sudder Court or as Member of Council. He (Mr. Anderson) thought that the Council had every guarantee that this Bill had been fully considered, and that every possible opportunity had been afforded to the Parsees for expressing their opinions with regard to it. They had stated objections—a great number of objections—but they were not of a very material character. The scale of distribution of intestate property proposed in the Bill presented a less divergence from the standard of the Indian Civil Code than the Parsees of the Mofussil themselves wished for. He did not see what objection there could be to the Bill, considering that the Parsees had for years past been beseeching the Council and the Government of India for this simple act of justice, viz., that they should not be squared down to the English Law of intestate succession, but that with regard to intestate property, all should share equally. He thought that the Select Committee were fully competent, if they felt themselves in a position to do so, to report in three or five weeks, instead of in twelve weeks. If the rule regarding twelve weeks were strictly followed, the Council would hardly be able to pass any Bills in each Session, unless they were Bills ready cut and dry. Surely that was not what a wise Legislature should insist upon. He therefore trusted that the Council would permit this Bill to pass after consideration by a Select Committee.

With regard to the suggestions which had been made by Rājā Sahib Dval and the Māharājā of Vizianagram, they would be better considered in Committee; and if both those gentlemen would do him the honour to be Members of the Committee, he hoped he should be able to satisfy them with regard to their objections to the Bill.

The Hon'ble MR. MUIR said that he would wish to ask the Hon'ble Mr. Anderson if the Bill was substantially the same as that which had been before the Parsees for so many years?

The Hon'ble MR. ANDERSON said that the Bill was in substance precisely the same. The Parsees had not had the benefit of a legal education, and the wording of the Bill, as drawn by them, was

somewhat untechnical and inaccurate. The Parsees' draft provided (Section III) that, "if the intestate be a male, his property shall be divided into such number of shares as shall admit of its distribution in the following proportions:—To the widow half a share. To the sons one share each. To the daughters one quarter share each," and (Section IV) "if the intestate be a female, in the following proportions:—To her husband, one share. To her sons and daughters, one share each." For these provisions, at the suggestion of the Secretary to the Council, the following Sections had been substituted:—

"Where the intestate has left a widow, if he has also left any children, the property shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter."

"Where the intestate has left a widower, if she has also left any children, the property shall be divided among the widower and children, so that his share shall be double the share of each of the children."

The tables of kindred had also been removed from the body of the Bill to the Schedules. But as he (Mr. Anderson) said before, in substance there had not been the slightest alteration.

His Excellency the President said that it appeared to him that, under the rules, if no shorter period were fixed by the Council, the Committee could not report in less than three months. Rule 20 provided as follows:—

"When three months have elapsed from the publication of a Bill in the *Calcutta Gazette* or in any shorter period that the Council may order, the Select Committee to which the Bill may have been referred shall make a report thereon."

The Hon'ble MR. GREY begged to suggest to the Hon'ble Member for Bombay to amend his motion by stating that the Bill be referred to a Select Committee, with instructions to report in five weeks.

The Hon'ble MR. ANDERSON then moved that the Bill be referred to a Select Committee, with instructions to report in five weeks.

The Hon'ble MR. HARRINGTON said he would offer no opposition to the motion, but he reserved to himself the right of opposing hereafter the passing of the Bill until it had been published for the usual period.

The Motion was put and agreed to.

#### GOVERNMENT FORESTS' BILL.

The Hon'ble MR. MAINE moved that the Report of the Select Committee on the Bill to give effect to Rules for the management and preservation of Government Forests, be taken into consideration. He said that the alterations which had been recommended by the Select Committee in this Bill were not very material. Section 5 had been slightly altered. As it had stood, it merely provided for fine or imprisonment or both. The Select Committee, however, thought that the maximum of the amount of the fine should be expressed in the Bill, and that the fine, if not paid, should be enforced by imprisonment as provided in the Penal Code. There was no doubt that this was an improvement on the Section as originally drawn.

The last Section was new. The Bill originally applied to the whole of India. But when it was



last before the Council, he had stated that the Government had no information to show whether it would be favourably received by the Governments of Madras and Bombay. The Council were still without any information on this matter. On the whole, it appeared to him that the Forest system of those Presidencies exhibited some material differences from that of the Government of India. The Bill would not, in the first instance, apply to those Presidencies, but the Governments of Madras and Bombay would have the power to extend its operation to the territories under them respectively. He did not see what objection they could have to a Bill which only gave them power to make rules. This power, of course it was to be understood, would not stand in their way to make any other local enactment which they might think desirable.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

#### INDIAN CIVIL CODE, CHAPTER I.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Indian Civil Code, Chapter I.

#### SHERIFF'S INDEMNITY (BENGAL) BILL.

The Hon'ble MR. HARRINGTON in moving for leave to introduce a Bill to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil jurisdiction, said that the necessity for this Bill had arisen from some recent proceedings in the High Court. Certain persons having been arrested in execution of decrees passed against them by the Court, had been committed to custody in default of paying the amounts for which they had severally been declared liable. After these persons had been in confinement for some time, a question arose whether Act VII of 1855, entitled an Act to amend the law of arrest on mesne process in Civil actions in Her Majesty's Courts of Judicature, and to provide for the subsistence of prisoners confined under Civil process of any of the said Courts, was still in force, or whether the Act had not been repealed or superseded by the Code of Civil Procedure, which was extended to the High Courts of Calcutta, Madras and Bombay by Her Majesty's Letters Patent on the establishment of those Courts. It did not appear to have been denied that, up to the time to which he was referring, the law of 1855 had continued to be acted upon in the High Court at Calcutta in all matters to which it related. This was of course done in the belief that Act VII of 1855 was still in force, any thing in the Code of Civil Procedure notwithstanding. Had this belief been well founded, there would have been no necessity for the present Bill; but the High Court, after hearing the point fully argued, ruled—and he (Mr. Harrington) ventured to think rightly—that from the date of the establishment of the Court, Act VII of 1855 ceased to have effect, and that its place had been taken by the provisions of the Code of Civil Procedure relating to arrests, whether on mesne process or in execution of decrees, which thenceforth

became the only rule for regulating the proceedings of the Court in such matters. The Court followed up this ruling by declaring that certain provisions of the Code of Civil Procedure not having been observed in the cases of the persons referred to by him before they were sent to jail, their imprisonment and subsequent detention in custody by the Sheriff were illegal, and the Court accordingly ordered their discharge. It was not the intention of the Bill which he had asked for leave to introduce, to call in question the correctness of this order, much less to exercise any interference with it; but the effect of the order had been to place the Sheriff and Deputy Sheriff of Calcutta, and probably also the judgment-creditors, at whose instance the persons alluded to had been arrested, in jeopardy, in other words to render them liable to actions for damages by the persons whose imprisonment had been pronounced by the Court to have been illegal. As there could be no doubt that the Sheriff and his Officers, in arresting the persons in question and detaining them in custody, and the detaining creditors, had acted in good faith, and had only done what they were justified in considering the orders and practice of the Court authorized and required them to do, he thought the Council would agree with him, that they ought not to be exposed to the danger which he had mentioned, and that they were entitled to be indemnified by an Act of the Legislature. The second Section of the Bill proposed therefore to enact that—"No suit or proceeding should be maintained in any Court on the ground that any such arrest, detention or imprisonment as referred to in the preceding Section, and thereby made valid and effectual, was illegal or invalid by reason of its not having been in accordance with the Code of Civil Procedure, or of the omission of the Sheriff or Deputy Sheriff of the said High Court to conform to any of the provisions of the said Code." There were still some persons in confinement in execution of judgments of the High Court under the circumstances which he had described, who, taking advantage of the recent orders of the Court, might apply for their discharge, and in some of the cases, it might be difficult for the Court to refuse their applications unless the Legislature interposed and made their imprisonment valid. There was no reason to believe that these persons had suffered any greater hardship in consequence of their having been imprisoned under Act VII of 1855, than they would have suffered had their imprisonment and detention taken place under the Code of Civil Procedure, and he did not think that it would be for the interests of justice that they should be set at liberty on what was really a technical ground. The first Section of the Bill accordingly provided that "All arrests made subsequently to the establishment of the High Court of Judicature at Fort William in Bengal, and before the passing of this Act, in execution of any process issued by the said Court in the exercise of its ordinary original Civil Jurisdiction, and the detention and imprisonment of all persons so arrested shall for all purposes be deemed to be and always to have been as valid and effectual as if such arrests, detentions, and imprisonments had been in accordance with the provisions of the Code of Civil Procedure." These were the principal provisions of the Bill. He had ascertained from Madras and Bombay that the Code of Civil Procedure had been considered in force in the High Courts of those Presidencies from the time of their

establishment in supersession of Act VII of 1855, but as a precautionary measure he had added a Section to the Bill giving power to the Governors in Council of Madras and Bombay, by an order to be published in the Official Gazette, to extend the Act so as to apply to arrests, imprisonments, and detentions under process issued by the High Court of Judicature at Madras, and the High Court of Judicature at Bombay, respectively, on or before the first day of March 1865.

The Motion was put and agreed to.

The Hon'ble MR. HARRINGTON also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble MR. HARRINGTON then introduced the Bill and moved that it be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. HARRINGTON also moved that the Bill be passed.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to define and amend the law relating to Succession and Inheritance among the Parsees—The Hon'ble Messrs. Harrington, Maine, and Anderson, the Hon'ble the Máharájá of Vizianagram, the Hon'ble Rájá Sáhib Dyál Bahádúr, and the Hon'ble Messrs. Taylor and Muir.

The Council then adjourned.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)  
CALCUTTA,  
The 24th February 1865. }

#### HOME DEPARTMENT.

#### Tea and Cinnamon found in Hill Tipperah.

*Extract from a Report by MR. C. LANE, Chief Civil Asst., G. T. Survey, in charge Eastern Frontier Party, dated Chittagong, 15th August 1864.*

"The tea tree was found in Hill Tipperah by Mr. Civil Assistant W. C. Rossenrode, whilst carrying on the approximate triangulation in advance last season, at a hill called Sabrong, in latitude  $23^{\circ} 8'$ , and longitude  $91^{\circ} 48'$ . There is another tree in this country, called in Bengali the "maritcha," growing up to twenty-five or thirty feet in height, the venation of the leaves of which is the same as that of the tea. The leaves are also alternate, and indeed in appearance and size, the two leaves bear the greatest possible resemblance, and by itself

only, that of the "maritcha," could not be distinguished from the genuine tea leaf, the color and freedom from down being also the same in both. The only visible difference is that the tea twig has a very small stipule at the base of the petiole, which the "maritcha" has not; in all other respects they are precisely identical.\* It has been said that the tea tree will grow and thrive wherever the "maritcha" is found; this appears to be the case. It is not impossible the "maritcha" may be a species of tea. It is to be seen about the hill of Sabrong, where tea was found, as above stated, as well as on the extensive table-land between Gojalia H. S., in latitude  $23^{\circ} 9'$  and longitude  $91^{\circ} 36'$ , and Tulamara H. S., in latitude  $23^{\circ} 11'$  and longitude  $91^{\circ} 48'$ ; and on the right bank of the River Fenny; indeed, there can be little doubt it is to be met with throughout the portion of Hill Tipperah, between latitude  $23^{\circ} 18'$  and the Fenny, and, consequently, it may be inferred that the tree considered to be the genuine tea would also thrive here. The clove plant has likewise been found indigenous on the table-land between Gojalia H. S. and Tulamara H. S. Other spices would, no doubt, thrive here also. Specimen twigs of the "maritcha," of the tea, and of the clove were kindly taken charge of by a gentleman proceeding to Calcutta, but, unfortunately, when there, he did not find time sufficient to take the samples to the Secretary of the Horticultural Society, Mr. Blechynden, for his opinion.

*Extract of a letter dated 13th December 1864, from MR. BLECHYNDEN, regarding the specimens of leaves referred to in Report on the southern portion of Hill Tipperah, surveyed in 1863-64.*

Dr. Cleghorn has been kind enough to examine the specimens of leaves from the Tipperah District, gathered by Mr. Lane, of the Great Trigonometrical Survey, and which accompanied your letter (without date) received last month.

One of them, Dr. Cleghorn tells me, is clearly a *cinamonum*; two of the others belong to *Teru-tremiacious* plants, and appear to be *Thea*, but without twigs, bearing flowers or fruits; it is not possible to give an opinion as to their specific identity.

True extract forwarded for the information of Lieut. Colonel Robinson, R. E., Officiating Superintendent, Great Trigonometrical Survey; one of the above specimens has, by the fruit, been ascertained to be tea.

C. LANE,  
Chief Civil Assistant, G. T. Survey,  
In charge Eastern Frontier Party.

\* When about taking the field last November, the Commissioner of Chittagong desired me to look out for tea in the jungles of Hill Tipperah. To remove all doubts on the subject, it was deemed advisable to offer high remuneration to two of the hill men if they would gather seed at the proper season, and bring them to Chittagong. It remains to be seen if they will do so.



# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 4, 1865.

Home Department.

## LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 14th February 1865, and is hereby promulgated for general information:—

Act No. III of 1865.

*An Act relating to the rights and liabilities of Common Carriers.*

Whereas it is expedient not only to enable Common Carriers to limit their liability for loss of or damage to property delivered to them to be carried, but also to declare their liability for loss of or damage to such property occasioned by the negligence or criminal acts of themselves, their servants or agents; It is enacted as follows:—

Short Title.

1. This Act may be cited as "The Carriers' Act, 1865."

Interpretation Clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Common Carrier" denotes a person, other than the Government, engaged in the business of transporting for hire property from place to place by land or inland navigation for all persons indiscriminately.

"Person" includes any association or body of persons, whether incorporated or not.

Words in the singular number include the plural, and words in the plural include the singular.

3. No Common Carrier shall be liable for the

loss of or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act, unless the person delivering such property to be carried, or some person duly authorized in that behalf, shall have expressly declared to such Carrier or his agent the value and description thereof.

4. Every such Carrier may require payment

for the risk undertaken in carrying property exceeding in value one hundred rupees and of the description aforesaid, at such rate of charge as he may fix: Provided that, to entitle such Carrier to payment at a rate higher than his ordinary rate of charge, he shall have caused to be exhibited in the place where he carries on the business of receiving property to be carried, notice of the higher rate of charge required, printed or written in English and in the vernacular language of the country wherein he carries on such business.

Proviso.

5. In case of the loss of or damage to property exceeding in value one hundred rupees and of the description aforesaid, delivered to such Carrier to be carried, when the value and description thereof shall have been declared and payment shall have been required in manner provided for by this Act, the person entitled to recover in respect of such loss or damage shall also be entitled to recover any money actually paid to such Carrier in consideration of such risk as aforesaid.

The person entitled to recover in respect of property lost or damaged may also recover money paid for its carriage.

6. The liability of any Common Carrier for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not

In respect of what property liability of Carrier not limited or affected by public notice.

be deemed to be limited or affected by any public notice; but any such Carrier, not being the owner of a railroad or tramroad constructed under the provisions of Act XXII of 1863 (to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken) may, by special contract, signed by the owner of such property so delivered as last aforesaid or by some person duly authorized in that behalf by such owner, limit his liability in respect of the same.

**7.** The liability of the owner of any railroad or tramroad constructed under the provisions of the said Act XXII of 1863, for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any special contract; but the owner of such railroad or tramroad shall be liable for the loss of or damage to property delivered to him to be carried only when such loss or damage shall have been caused by negligence or a criminal act on his part or on that of his agents or servants.

**8.** Notwithstanding anything hereinbefore contained, every Common Carrier shall be liable to the owner for loss of or damage to any property delivered to such Carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the Carrier or any of any of his agents or servants.

**9.** In any suit brought against a Common Carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, it shall not be necessary for the plaintiff to prove that such loss, damage or non-delivery was owing to the negligence or criminal act of the Carrier, his servants or agents.

**10.** Nothing in this Act shall affect the provisions contained in the ninth, tenth and eleventh Sections of Act No. XVIII of 1854 (relating to Railways in India).

#### SCHEDULE.

Gold and Silver Coin.  
Gold and Silver in a manufactured or unmanufactured state.  
Precious Stones and Pearls.  
Jewellery.  
Time Pieces of any description.  
Trinkets.  
Bills and Hundis.  
Currency Notes of the Government of India or Notes of any Banks, or Securities for payment of money, English or Foreign.  
Stamps and Stamped paper.  
Maps, Prints and Works of Art.

Writings.  
Title Deeds.  
Gold or Silver Plate or Plated articles.  
Glass.  
China.  
Silk in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.  
Shawls and Lace.  
Cloths and tissues embroidered with the precious metals or of which such metals form part.  
Articles of ivory, ebony, or sandal-wood.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd February 1865, and is hereby promulgated for general information:—

#### ACT No. IV OF 1865.

*An Act to exempt the Estates of deceased Officers and Soldiers delivered over to the Administrator General of Bengal, Madras or Bombay, from the operation of the twenty-sixth Section of Act No. VIII of 1855.*

WHEREAS under or by virtue of the twenty-sixth Section of Act No. VIII of 1855 (to amend the Law relating to the Office and Duties of Administrator-General), the Administrator-General of each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay is entitled to receive a commission at the rates respectively therein mentioned upon the amount or value of the assets which he shall collect and distribute in due course of administration; And whereas by the twenty-first Section of "The Regimental Debts Act, 1863," it is declared that an Administrator-General shall not be entitled to take, and it shall not be lawful for him to take, a percentage on the property of an Officer or Soldier dying on service exceeding three per centum on the gross amount coming to his hands if preferential charges have been previously paid, or on the gross amount remaining in his hands after payment by him of preferential charges, as the case may be; It is enacted as follows:—

#### 1. In this Act—

The term "Officer" means a Commissioned Officer of Her Majesty's Army or of Her Majesty's Indian Army.  
Interpretation Clause.  
"Officer."

The term "Soldier" means a Soldier of Her Majesty's Army or European Soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.  
"Soldier."



**2.** From and after the passing of this Act, the twenty-sixth Section of Act No. VIII of 1855 shall not apply to cases in which the property of an Officer or Soldier dying on service shall come to the hands of the Administrator-General.

General of any of the said Presidencies, under the ninth or the twelfth Section of "The Regimental Debts Act, 1863;" and such Administrator-General shall not be entitled to take, and it shall not be lawful for

him to take, a percentage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of this Act, if preferential charges, as defined by the fourth Section of the said Statute, have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

**3.** This Act shall be called "The Administrator General's Act, 1865."

Short Title.

WHITLEY STOKES,

*Offg. Asst. Secy. to the Govt. of India,*

*Home Dept. (Legislative.)*

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1865, and is hereby promulgated for general information:—

#### ACT NO. V OF 1865.

*An Act to provide for the solemnization of Marriages in India of persons professing the Christian Religion.*

Whereas it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows:—

Preamble.

#### *Preliminary.*

Short Title.

**1.** This Act may be cited as "The Indian Marriage Act, 1865."

**2.** This Act shall extend to all the territories that are or shall become vested in Her Majesty or her successors by the Statute 21 and 22 Vic., cap. 106, entitled "An Act for the better Government of India," and shall commence and come into operation on the first day of May 1865.

**3.** From and after the commencement of this Act, Act No. XXV of 1864 is repealed except as to the recovery and application of any penalty for any offence which shall have been committed before such commencement.

**4.** In this Act, unless there is something repugnant in the subject or context—

Interpretation Clause.

"Church of England" and "Anglican" mean "Church of England" and apply to the United Church of England and Ireland as by law established.

"Church of Scotland" means the Church of Scotland as by law established.

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head.

"Church" shall include any Chapel or other building generally used for public Christian worship.

"Minor" means a person who has not completed the age of twenty-one years.

"Native Christians" includes the Christian descendants of Natives of India converted to Christianity as well as such converts.

"Section" means a Section of this Act.

"Month" and "Year" respectively mean month and year reckoned according to the British calendar.

And, in any part of British India in which this Act shall operate, "Local Government" shall mean the person authorized to administer Executive Government in such part.

#### PART I.

*As to the persons by whom marriage may be solemnized.*

**5.** From and after the commencement of this Act no marriage between persons one or both of whom shall profess the Christian Religion, shall be solemnized, unless in accordance with the provisions of the next following Section.

By whom to be solemnized.

**6.** Marriages may be solemnized in India—

(1.) By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which such person is a Minister.

(2.) By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland.

(3.) By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic., cap. 40, or of Act V of 1852 (for giving effect to the provisions of an Act of Parliament

passed in the 15th year of the reign of Her present Majesty entitled an Act for Marriages in India) of the Governor-General of India in Council.

(4.) By any Minister of Religion who, under the provisions of this Act, has obtained a license to solemnize marriages.

(5.) By any person who, with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act, a license to grant certificates of marriage.

7. From and after the commencement of this Declaration and Act, the declaration and certificate no longer required by the Statute required. 58 Geo. III, cap. 84, and Act XXIV of 1860 (for the solemnization of marriages in India by ordained Ministers of the Church of Scotland) of the Governor-General of India in Council, shall be no longer required.

8. From and after the commencement of this Act the Governor-General of India in Council, the Government of Madras and Bombay in Council, the Governor of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the Lieutenant-Governors of Bengal, the North-Western Provinces and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories under the immediate administration of such Governor-General, or subject to such Governors and Lieutenant-Governors respectively, and to revoke such licenses, whether they shall have been granted before or shall be granted after the passing of this Act.

9. From and after the commencement of this Act, all marriages which shall be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth Sections, shall be null and void.

10. All marriages which shall have been solemnized in India before the commencement of this Act by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, shall, if not otherwise invalid, be deemed valid to all intents and purposes.

## PART II.

As to the mode of solemnizing Marriages under this Act.

11. In every case of intended marriage between persons one or both of whom shall profess the Christian Religion, otherwise than—

1.—Under the provisions of the Statute 14 and 15 Vic., cap. 40, or of the said Act V of 1852: or

2.—By a Clergyman who has received episcopal ordination according to the rites, rules, ceremonies and customs of the Church to which he belongs: or

3.—By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies and customs of that Church: or

4.—By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of Part V of this Act—

One of the persons intending marriage shall give notice in writing according to the form contained in the Schedule A to this Act annexed or to the like effect, to the Minister of Religion whom he or she shall desire to solemnize the marriage, and shall state therein the name or names, and the profession or condition, of each of the persons intending marriage, the dwelling place of each of them, and the time (not being less than four days) during which each has dwelt there, and the Church or private dwelling in which the marriage is to be solemnized. Provided that if

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either of such persons shall have dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church, unless he shall have received a special license authorizing him to do so from and under the hand and seal of the Anglican Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the same Bishop may sanction.

12. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the same Church. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate therein, who shall thereupon cause the same to be so published and affixed as aforesaid.

13. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion on receiving the notice prescribed in the eleventh Section shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own Office.

14. When one of the persons intending marriage (not being a widow or widower) is a minor, every such Minister as aforesaid who shall receive such notice, and who shall not forthwith return it to the person delivering the same under the twelfth Section shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

15. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

**16.** If there be more Marriage Registrars than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent to such Senior Marriage Registrar, who, on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, cause a copy thereof to be sent to each of the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, as aforesaid.

**17.** Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made:

*Provided*, that no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf.

**18.** When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that either of the persons intending marriage, not being a widower or widow, is a minor, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

**19.** Before any such certificate as aforesaid shall be issued by any such Minister, one of the persons intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or both of the parties, not being a widower or widow, is or are a minor or minors, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is or are no person or persons resident in India having authority to give such consent, as the case may be.

**20.** The father, if living, of any minor not being a widower or widow, or, if the father be dead, the guardian of the person of such minor and, in case there be no such guardian, then the mother of such minor, shall have authority to give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

**21.** Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid,

at any time before the issue of such certificate, by notice in writing to such Minister, subscribed by the person so authorized with his name and place of abode, and his or her position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

**22.** If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the marriage is not authorized by law so to do, or until the said notice be withdrawn by the person who gave it.

**23.** When any Native Christian about to be married shall take a notice of marriage to a Minister of Religion, or shall apply for a certificate from such Minister under the seventeenth Section, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and if not, shall translate or cause to be translated such notice or certificate to such Native Christian into his language, or into some language which he understands.

**24.** The certificate to be issued by such Minister as aforesaid, may be in the form contained in the Schedule B to this Act annexed, or to the like effect.

**25.** After the issue of the certificate by such Minister of Religion, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister shall think fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses.

**26.** Whenever a marriage is not solemnized within two months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and a certificate thereof issued in the manner aforesaid.

**27.** Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the persons married, or of the consent of any person whose consent to such marriage is required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

## PART III.

*As to the time for solemnizing Marriages.*

**28.** Every marriage solemnized in India from Hours between and after the commencement of this Act by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening: Provided that this Section shall not apply to a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Anglican Bishop of the Diocese or his Commissary; and it is hereby declared that for such special license the Registrar of the Diocese shall be entitled to charge such additional fee as such Bishop may sanction: Provided also that this Section shall not apply to a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he shall have received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall so be solemnized, or from such person as the same Bishop shall have authorized to grant such license.

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of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Anglican Bishop of the Diocese or his Commissary; and it is hereby declared that for such special license the Registrar of the Diocese shall be entitled to charge such additional fee as such Bishop may sanction: Provided also that this Section shall not apply to a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he shall have received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall so be solemnized, or from such person as the same Bishop shall have authorized to grant such license.

## PART IV.

*As to the Registration of Marriages in India.*

**29.** All marriages solemnized in India from Marriages with certain exceptions to be registered as hereinafter prescribed. and after the commencement of this Act between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852, shall be registered in the manner herein- after prescribed: Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

**30.** Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule C to this Act annexed.

**31.** Every Clergyman of the Church of England shall send four times in every year Returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the Register of Marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject or within the limits of which such Station or District shall be situated. Such Quarterly Returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September,

and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Local Government.

**32.** Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall be solemnized; and such person shall forward quarterly to the Secretary to the Local Government Returns of the entries of all marriages registered by him during the three months next preceding.

**33.** Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in the thirtieth Section for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of the Church of Scotland in the territory subject to the Local Government, Returns similar to those prescribed in the thirty-first Section for Clergymen of the Church of England, of all marriages solemnized by him.

**34.** After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England nor of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form contained in the Schedule D to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

**35.** The entry of such marriage in both the certificate and Marriage Register Book shall be signed by the person by whom the said marriage has been solemnized and also by the persons married, and shall be attested by two credible witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

**36.** The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one month from the time of the solemnization of such marriage to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Regis-

Such entries to be signed and attested.

Such certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.

Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Regis-



trars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall transmit all the certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic., cap. 40, but distinct therefrom.

**37.** Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

**38.** The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall at the end of every month transmit the same to the Secretary to the Local Government.

**39.** The person solemnizing any such marriage as is provided for in Part V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said district, who shall keep safely the same, and shall make therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said district; and the person having the control of the book at the time when it shall be filled, shall send the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government to be kept by him with the records of his Office.

**40.** The Secretary to the Local Government shall, at the end of every quarter in each year, select from the certificates of marriages forwarded to him during such quarter, the certificates of the marriages of which the Governor-General of India in Council may desire that evidence shall be transmitted to England, and forward the same certificates signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths and Marriages.

**41.** Any person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or

absence, in the presence of two other credible witnesses who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof; and in case such certificate shall have been already transmitted to the Secretary to the Local Government, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

**42.** Every person solemnizing a marriage under this Act and hereby required to register the same, and every Marriage Registrar or Secretary to a Local Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, for every search extending over a period of not more than one year, the sum of one Rupee, and four annas additional for every additional year, and the sum of one Rupee for every single certificate.

**43.** All fees received under the provisions of this Act by a Marriage Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

**44.** Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

**45.** Nothing contained in this Part shall apply to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852.

**46.** Every Marriage Registrar hereafter appointed under the provisions of Act V of 1852 shall be a Christian, and may be so appointed either by name or as holding any office for the time being.

## PART V.

*As to the Marriage of Native Christians.*

**47.** And whereas it is expedient to make provision for the marriage of Native Christians to whom the provisions of the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852 are found not to be suitable, it

Power to license persons to grant certificates of Marriage between Native Christians.

is further enacted that it shall be lawful for the Local Government or the Chief Commissioner of any Province, to issue a license to any person being a Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians. Any such license may be revoked by the Government or Chief Commissioner by whom it was granted; and every such grant or revocation shall be notified in the Official Gazette.

**48.** It shall not be a necessary preliminary to the grant of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of

Certificate may be given without previous notice of marriage.

the parties to such marriage, or that any certificate should have been issued of any notice having been given under the provisions of the said Act V of 1852 or otherwise; and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be

certified under this Part of this Act if the following conditions be fulfilled, and not otherwise:—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

(2.) The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

(3.) Neither of the persons intending to be married shall have a wife or husband still living:

(4.) In the presence of the person so licensed and of at least two credible witnesses, each of the parties shall say to the other—

“I call upon these persons here present to witness that I, A. B., in the presence of Almighty God and in the name of our Lord Jesus Christ do take thee, C. D., to be my lawful wedded wife (or husband),” or words to the like effect:

(5.) Such declaration shall be made between the hours of six in the morning and seven in the evening.

**49.** When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid, in whose presence

On marriage (the conditions having been fulfilled), licensed person to grant a certificate thereof.

the said declaration shall have been made, to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage, as conclusive evidence of the same marriage having been performed, and no evidence to the contrary shall be received in any such suit.

**50.** All marriages performed between Native Christians as aforesaid, in accordance with the provisions of the forty-eighth Section, shall be valid.

Marriages performed under the provisions of Section 48 to be valid.

**51.** A Register Book of all marriages of which certificates shall be granted under the forty-eighth Section shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the Local Government or Chief Commissioner shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the Local Government or Chief Commissioner shall direct.

**52.** Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be made in such book in his custody, and shall give a copy certified under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is to say—for every search extending over a period not exceeding two years the sum of eight annas, and two annas additional for every additional year.

**53.** This Part of this Act shall not apply to marriages between Roman Catholics. But nothing herein contained shall be construed to invalidate any marriage contracted between Roman Catholics under the provisions of Part V of the said Act No. XXV of 1864.

Part V not to apply to Roman Catholics.

## PART VI.

*As to Penalties.*

**54.** Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852, or by this Act, for the purpose of procuring any marriage, shall be guilty of the offence described in the hundred and ninety-third Section of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

**55.** Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in the hundred and fifth Section of the Indian Penal Code, and shall on conviction be liable to the punishment prescribed in that Section.

Punishment for forbidding the issue by a Marriage Registrar of a certificate by false representation.

**56.** Whoever, not being authorized under the sixth Section to solemnize a marriage shall, from and after the commencement of this Act, in the absence of a Marriage Registrar of the District in which such marriage is solemnized, knowingly and

Punishment for a person not duly authorized, solemnizing a marriage.

wilfully solemnize a marriage between persons one or both of whom shall profess the Christian Religion, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine; or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years; or if the offender be an European or American, to penal servitude according to the provisions of Act XXIV of 1855 *(to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts)*.

**57.** Whoever shall, from and after the com-

*Punishment for solemnizing a marriage otherwise than between six A. M. and seven P. M. or without witnesses.*

mencement of this Act, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine.

**58.** The provisions of the last preceding

*Section 57 not to apply to marriages solemnized under licenses.*

Section shall not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he shall have received the general or special license in that behalf mentioned in the twenty-eighth Section.

**59.** Any Minister of Religion licensed to

*Punishment for solemnizing marriage when either party is a minor within a certain time after notice.*

solemnize marriages under this Act, who shall, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnize a marriage, when one of the parties to such marriage, not being a widower or widow, is a minor, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

**60.** Whoever, being a Marriage Registrar

*Punishment for Registrars issuing certificates, or solemnizing marriages, without publication of notice, &c.*

appointed under the provisions of the said Act V of 1852, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the same Act without publishing or affixing in some conspicuous place the notice of such marriage as directed by such Act; or after expiration of two months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage, or shall, without an order of a competent Court

authorizing him to do so, solemnize any marriage when one of the persons intending marriage (not being a widow or widower) is a minor, before the expiration of fourteen days after the receipt of such notice as is required by the same Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar, or shall issue any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

**61.** Whoever, being a person authorized under

*Punishment for persons authorized under this Act, but not being Clergymen of the Churches of England, Scotland or Rome solemnizing marriages without publication of notices, &c.*

the provisions of this Act to solemnize a marriage, and not being a Clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Anglican Bishop of the Diocese or a Surrogate duly authorized in that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of that Church, or not being a Clergyman of the Church of Rome solemnizing a marriage according to the rites, rules, ceremonies and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two months after the certificate shall have been issued by him; or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the District; or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue; or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to four years, and shall also be liable to fine.

**62.** Whoever not being licensed to grant a

*Punishment for unlicensed person pretending to grant certificate of marriage under Part V.*

certificate of this Act, shall grant such certificate, intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

**63.** Whoever shall willfully destroy or injure or cause to be destroyed or injured any such Register Book, or any part thereof, or any such authenticated extract therefrom as aforesaid, or shall wilfully insert or cause to be inserted any false entry in any such Register Book or authenticated extract, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to seven years, and shall also be liable to fine.

**64.** Persons tried for offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session as defined in the same Code: Provided

that no European British subject shall be liable to be tried for any offence punishable under this Act except before a Judge of the High Court. In every case in which an European British subject shall be charged before a Justice of the Peace or Magistrate at any place beyond the local limits of the ordinary original Civil Jurisdiction of the High Court with any offence under this Act, such charge shall be investigated, and the committal and trial for such offence shall be made and held

according to the rules by which the Criminal Procedure of the High Court may from time to time be regulated.

**65.** Except as provided in the last preceding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act: Provided that a summons shall ordinarily issue in the first instance, and that all offences punishable under this Act shall be bailable.

**66.** The Supreme Court of Judicature in the Settlement of Prince of Wales' Island, Singapore and Malacca shall have power to try offences punishable under this Act and committed within the limits of such Settlement. The charge for any such offence shall be investigated and the committals shall be made under the procedure by which such Court shall from time to time be regulated. The penalties (if any) imposed on persons charged as aforesaid shall correspond as nearly as may be with the penalties which might have been imposed on such persons had the Indian Penal Code been then in force in the said Settlement.



## SCHEDULE A—(See Section 11.)

## Notice of Marriage.

To the Reverend John Brown, a Minister of the Free Church of Scotland, at Calcutta.

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	Widower.	Carpenter.	Of full age.	16, Clive Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.	.....	Minor.	20, Hastings' Street.	More than a month.		

Witness my hand, this sixth day of July, one thousand eight hundred and sixty-five.

(Signed) James Smith.

(The *Italics* in this Schedule are to be filled up as the case may be and the blank division thereof is only to be filled up when one of the parties lives in another District.)

## SCHEDULE B—(See Section 24.)

## Registrar's Certificate.

I, the Reverend John Brown, Minister of the Free Church of Scotland at Calcutta in Bengal, do hereby certify, that on the sixth day of July 1865, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of James Smith, one of the parties (that is to say),

Names.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	Widower.	Carpenter.	Of full age.	16, Clive Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.	.....	Minor.	20, Hastings' Street.	More than a month.		

and that the declaration required by Section 19 of "The Indian Marriage Act, 1865, has been duly made by the said (James Smith).

Date of notice entered sixth July 1865.

Date of certificate given twentieth July 1865.

The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this Twentieth day of July one thousand eight hundred and sixty-five,

(Signed) John Brown,

Minister of the Free Church of Scotland.

This Certificate will be void unless the marriage is solemnized on or before the twentieth day of September 1865.

(The *Italics* in the Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)





The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd February 1865, and is hereby promulgated for general information :—

ACT No. VI OF 1865.

*An Act to continue Act No. XXXI of 1860.*

WHEREAS Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases), is limited to expire on the first day of October 1865; and whereas it is expedient to continue such Act for a limited period; It is enacted as follows :—

1. Act No. XXXI of 1860 shall continue in force until the first day of October 1866.

2. This Act may be cited as "The Arms' Short Title. Act Continuance Act, 1865."

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th February 1865, and is hereby promulgated for general information :—

ACT No. VII OF 1865.

*An Act to give effect to rules for the management and preservation of Government Forests.*

Whereas it is expedient that Rules having the force of law should be made from time to time for the better management and preservation of Forests wherein rights are vested in Her Majesty for the purposes of the Government of India; It is enacted as follows :—

1. In this Act, unless there be something repugnant in the subject or context—

Interpretation clause.

"Government Forests" shall mean such land covered with trees, brushwood, or jungle, as shall be declared in accordance with the second Section of this Act to be subject to its provisions.

"Magistrate" shall mean the Chief Officer charged with the Executive administration of a district or place in criminal matters by whatever designation such officer is called, and shall include any person invested by the Local Government with the powers of a Magistrate or of a subordinate Magistrate as defined in the Code of Criminal Procedure with a view to the exercise by him of such powers under this Act.

And in every part of British India in which this Act operates, "Local Government" denotes the persons authorized to administer Executive Government in such part, and includes the Chief Commissioner of any part of British India under the immediate administration of the Governor-General of India in Council whenever such

Chief Commissioner is authorized by the Governor-General in Council to exercise the powers of a Local Government under this Act.

2. The Governor-General of India in Council within the Provinces under his immediate administration, and the Local Governments within the Territories under their control, may, by notification in the Official Gazette, render subject to the provisions of this Act, such land covered with trees, brushwood, or jungle, as they may define for the purpose by such notification: Provided that such notification shall not abridge or affect any existing rights of individuals or communities.

3. For the management and preservation of any Government Forests or any part thereof in the Territories under their control, the Local Governments may, subject to the confirmation hereinafter mentioned, make Rules in respect of the matters hereinafter declared, and from time to time may, subject to the like confirmation, repeal, alter, and amend the same. Such Rules shall not be repugnant to any law in force.

4. Rules made in pursuance of this Act may provide for the following matters :—

First.—The preservation of all growing trees, shrubs, and plants within Government Forests or of certain kinds only—by prohibiting the marking, girdling, felling, and lopping thereof, and all kinds of injury thereto; by prohibiting the kindling of fires so as to endanger such trees, shrubs, and plants; by prohibiting the collecting and removing of leaves, fruits, grass, wood-oil, resin, wax, honey, elephant's tusks, horns, skins and hides, stones, lime, or any natural produce of such Forests; by prohibiting the ingress into and the passage through such Forests, except on authorized roads and paths; by prohibiting cultivation and the burning of lime and charcoal, and the grazing of cattle within such Forests.

Second.—The regulation of the use of streams and canals passing through or coming from Government Forests or used for the transport of timber or other the produce of such Forests—by prohibiting the closing or blocking up for any purposes whatsoever of streams or canals used or required for the transport of timber or Forest produce; by prohibiting the poisoning of or otherwise interfering with streams and waters in Government Forests in such a manner as to render the water unfit for use; by regulating and restricting the mode by which timber shall be permitted to be floated down rivers flowing through or from Government Forests and removed from the same; by authorizing the stoppage of all floating timber at certain Stations on such rivers within or without the limits of Government Forests for the purpose of levying the dues or revenues lawfully payable thereon; by authorizing the collecting of all timber adrift on such rivers, and the disposal of the same belonging to the Government.

Third.—The safe custody of timber the produce of Government Forests—by regulating the manner in which timber, being the produce of Government Forests, shall be felled or converted; by prohi-



biting the converting or cutting into pieces or burning of any timber, or the disposal of such timber by sale or otherwise, by any person not the lawful owner of such timber, or not acting on behalf of the owner; by regulating the manner in which property-marks shall be affixed to timber and other Forest produce in Government Forests; by prohibiting the affixing of property-marks to timber by any person not the owner of the timber or acting on behalf of the owner so long as such timber shall be within certain territorial limits, or shall be in transit on certain rivers; by prohibiting within certain territorial limits the effacing or alteration of property-marks on timber; by prohibiting, within such limits, the use of the property-marks employed by the Government, or the fraudulent use of the property-marks of private persons; by requiring the registry within certain territorial limits of implements for affixing property-marks on timber; by directing the levying of fees for the registration of such implements.

Fourth.—The regulation of the duties of the Government Officers and establishments charged with the management and conservancy of Government Forests and with the levy of Forest dues and revenues—by prohibiting their engaging in any employment or office other than their duties as public servants; by fixing penalties for the wilful neglect of the Rules laid down for the guidance of such persons in all matters connected with the guarding of the boundaries of the Forests, the marking, girdling or felling of trees, the marking and passing of timber, the reporting and preventing of offences against the Rules made in pursuance of this Act and the collecting of Forest dues or revenues.

**5.** In cases where the penalty of confiscation is not provided by this Act, the Local Government may prescribe punishments for the infringement of Rules made in pursuance thereof, by fine not exceeding five hundred rupees, and in default of payment of such fine may provide for the imprisonment of the offender for such term as is mentioned in the sixty-seventh Section of the Indian Penal Code.

**6.** Such Rules when confirmed by the Governor-General in Council and published in the Official Gazette shall have the force of law.

**7.** All implements used in infringing any of the Rules made in pursuance of this Act, and all timber or other Forest produce, removed or attempted to be removed, or marked, converted, or cut up contrary to such Rules, shall be confiscated.

**8.** Any Police Officer or person employed as an Officer of Government to prevent infringement of the Rules made in pursuance of this Act may arrest any person infringing any of such Rules, and may seize any implements used in such infringement, and any timber liable to confiscation under this Act.

**9.** Any person arrested on the ground that he has committed an infringement of such Rules shall forthwith be taken before a Magistrate,

who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of.

**10.** Where the doing of any act is made punishable by this Act, or by any of the Rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

**11.** When any timber or other property shall be seized as liable to confiscation under this Act any Magistrate or Officer empowered to enforce penalties under this Act within the district or division of a district wherein the same may be seized, may, upon information, summon the person in possession of such timber or other property, and upon his appearance, or in default thereof, may examine into the cause of the seizure of such timber or other property, and may adjudge the same to be confiscated and sold on account of the Government.

**12.** Any Police Officer or Officer of Government who shall vexatiously and unnecessarily seize the goods or chattels of any person under the pretence of seizing property liable to confiscation, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment of either description as defined in the Indian Penal Code for a term not exceeding three months.

**13.** All fines and penalties under the Rules made in pursuance of this Act shall be enforced by a Magistrate in the manner prescribed by the Code of Criminal Procedure, and the Rules therein contained for the trial of cases and for appeals shall be applicable to confiscations adjudged under this Act.

**14.** When the confiscation of any property shall be adjudged under the last preceding Section, the same shall thereupon belong to and vest in Her Majesty, and a Warrant shall be issued by the Court to a Police Officer directing him to hold the property confiscated at the disposal of the Local Government.

**15.** When any confiscation or penalty shall be adjudged under this Act, the local Governments may, within three months after final judgment, call for the proceedings of the case, and, if they shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof, and direct that the offender be discharged.

**16.** No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit or other proceeding and of the cause thereof; nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

**17.** No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

Period within which charges to be brought.

**18.** This Act shall extend to all the Territories under the immediate administration of the Government of India and under the Governments of Bengal, the North-Western Provinces and the Punjab; and it shall be lawful for the Governors in Council of Madras and Bombay respectively, by notification in the Official Gazette, to extend this Act to the Territories under their respective Governments.

Extent of Act.

**19.** This Act shall come into operation on the first day of May 1865, and may be cited as "The Government Forests Act, 1865."

Commencement of Act.  
Short Title.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 24th February 1865, and is hereby promulgated for general information:—

#### ACT No. VIII OF 1865.

*An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil jurisdiction.*

Whereas it is expedient to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original Civil jurisdiction, and to indemnify the Sheriff of the said High Court and others in respect of such imprisonment; It is enacted as follows:—

Preamble.

**1.** All arrests made subsequently to the establishment of the High Court of Judicature at Fort William in Bengal and before the passing of this Act, in execution of any process issued by the said Court in the exercise of its ordinary original Civil jurisdiction, and the detention and imprisonment of all persons so arrested shall for all purposes be deemed to be and always to have been as valid and effectual as if such arrests, detentions and imprisonments had been in accordance with the provisions of the Code of Civil Procedure.

Arrests, &c., heretofore made to be deemed good, though not in accordance with the Civil Procedure Code.

**2.** No suit or proceeding shall be maintained in any Court on the ground that any such arrest, detention or imprisonment, as referred to in the preceding Section, and thereby made valid and effectual, was illegal or invalid by reason of its not having been in accordance with the Code of Civil Procedure or of the omission of the Sheriff or Deputy Sheriff of the said High Court to conform to any of the provisions of the said Code.

No suit to lie against the Sheriff for any such illegal arrest, &c.

**3.** The Governor in Council of Fort Saint George, and the Governor in Council of Bombay, may by an order to be published in the Official Gazettes of Madras and Bombay respectively, extend this Act so as to apply to arrests, imprisonments and detentions under process issued by the High Court of Judicature at Madras, and the High Court of Judicature at Bombay, respectively, on or before the first day of March 1865. When so extended this Act shall in all respects apply to each of the said High Courts in the same manner as if the names of such Courts had appeared in this Act wherever the name of the High Court of Judicature at Fort William in Bengal appears.

Extension of the Act to the High Courts of Madras and Bombay.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations, on the 10th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

#### No. 5 of 1865.

*A Bill to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.*

Whereas it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; it is enacted as follows:—

Preamble.

**1.** This Act shall be called "The Punjab Courts' Act, 1865."

Short title.

**2.** In this Act "Assistant Commissioner" shall include "Extra Assistant Commissioner."

"Assistant Commissioner."

**3.** There shall be eight grades of Courts in the Punjab, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, namely:—

Grades of Courts in the Punjab.

- (1.)—The Court of the Tahsildar of the second Class.
- (2.)—The Court of the Tahsildar of the first Class.
- (3.)—The Court of the Assistant Commissioner with ordinary powers.
- (4.)—The Court of the Assistant Commissioner with special powers.
- (5.)—The Court of the Assistant Commissioner with full powers.
- (6.)—The Court of the Deputy Commissioner.
- (7.)—The Court of the Commissioner.
- (8.)—The Court of the Judicial Commissioner.

**4.** The Local Government may declare grade to which any Tahsildar or Assistant Commissioner belongs.

The Local Government shall have power to declare to which of the said grades any Tahsildar, or any Assistant Commissioner belongs.

Local Government may declare grade to which any Tahsildar or Assistant Commissioner belongs.

**5.** The Local Government shall also have power, with the sanction of the Government of India, to invest any Naib Tahsildar with the powers of a Tahsildar of the second Class whenever any necessity may arise for such an arrangement, and to withdraw such powers.

**6.** The Tahsildar of the second Class shall, on the Civil side, have power to try and determine suits of every description not exceeding three hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the second Class, as defined in the Code of Criminal Procedure.

**7.** The Tahsildar of the first Class shall, on the Civil side, have power to try and determine suits of every description not exceeding three hundred Rupees, and on the Criminal side to exercise the power of a subordinate Magistrate of the first Class, as defined in the Code of Criminal Procedure.

**8.** The Assistant Commissioner with ordinary powers shall, on the Civil side, have power to try and determine suits of every description not exceeding one hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the second Class, as defined in the Code of Criminal Procedure.

**9.** The Assistant Commissioner with special powers shall, on the Civil side, have power to try and determine suits of every description not exceeding five hundred Rupees, and on the Criminal side to exercise the powers of a subordinate Magistrate of the first Class, as defined in the Code of Criminal Procedure.

**10.** The Assistant Commissioner with full powers shall, on the Civil side, have power to try and determine suits of every description not exceeding five thousand Rupees, and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

**11.** The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Province, from any decision or order of any of the first four grades of lower Courts aforesaid, and on the Criminal side to exercise the powers of a Magistrate, and to hear appeals according to the provisions of the Code of Criminal Procedure. The Deputy Commissioner may also be invested with powers under Act V of 1861.

**12.** The Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Province, from any decision or order of any of the Courts of the fifth and sixth grades, and on

the Criminal side to exercise the powers of a Sessions Judge, and to hear appeals according to the provisions of the Code of Criminal Procedure.

**13.** Every suit shall ordinarily be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

**14.** The Deputy Commissioner, on the Civil side, may withdraw any suit instituted in any Court subordinate to such Deputy Commissioner, and to try such suit himself, or to refer it for trial to any other Court subordinate to his authority, and competent in respect of the value of the suit to try the same. The Deputy Commissioner may also direct any distribution of work in the Courts subordinate to him, exercising the like jurisdiction and holding their sittings in the same place.

**15.** The Chief Court, on the Civil side, may withdraw any suit instituted in any Court subordinate to it (with the exception of Small Cause Courts) and to refer it for trial to any other Court subordinate to its authority, and competent in respect of the value of the suit to try the same.

**16.** If the suit be for immoveable property situate within the limits of different districts within the same division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

**17.** If the districts within the limits of which the immoveable property is situate are subject to different Commissioners, the application shall be submitted to the Commissioner to whom the district in which the suit is brought is subject, and the Commissioner to whom such application is made may, with the concurrence of the Commissioner to whom the other district is subject, give authority to proceed with the suit.

**18.** The local jurisdiction of a Deputy Commissioner shall be deemed a district for the purposes of this Act, and the Court of such Deputy Commissioner shall be deemed the District Court within the meaning of the Code of Civil Procedure. The local jurisdiction of a Commissioner shall, in the same way, be deemed a Division, and his Court a Divisional Court.

**19.** Whenever the number of cases depending in any Divisional Court shall be so great as to require the appointment of additional agency, the local Government shall, with the previously obtained sanction of the Governor General of India in Council, have power to invest any Officers with the Civil and Criminal powers of a Commissioner as defined in this Act; the local Government may also on its own authority invest any Judge of a Court of Small Causes with the powers of an Assistant Commissioner with full powers, as aforesaid.

Local Government may invest additional Officers with powers of Commissioner, and Small Cause Court Judges with powers of Assistant Commissioner.

**20.** It shall be lawful for the local Government, with the previously obtained sanction of the Governor General of India in Council, in any district in which a Settlement is in progress, to vest any special Officer with the Civil powers of a Commissioner or Deputy Commissioner, or Assistant Commissioner or Tahsildar, on the Civil side, as described in this Act for the purpose of deciding cases with regard to rights in land and the product of land in such district; and it shall be lawful for the local Government on its own authority to empower Tahsildars, Assistant Commissioners, Deputy Commissioners, and Commissioners in any district in which a Settlement is in progress, to exercise their respective powers in suits regarding rights in land and the product of land on the Revenue side of their respective Courts: Provided that no deviation be allowed from the Rules of Civil Procedure which would otherwise be in force, and that this power shall continue only so long as the Settlement operations shall be in progress, and shall cease on the termination thereof.

Local Government may invest special Officers with Civil powers of Commissioners, &c., in districts in course of settlement.

**21.** It shall be lawful for the local Government, on its own authority, to vest the Financial Commissioner with the powers of the Chief Court as described in Act of 1865 for the purpose of trying all special appeals from Commissioners and Deputy Commissioners in all decisions passed by them in regular appeal under Section 20: Provided that no deviation be allowed from the Rules of Civil Procedure which would otherwise be in force, and that this power shall continue only so long as the Settlement operations shall be in progress, and shall cease on the termination thereof.

Local Government may invest Financial Commissioner with powers of Chief Court for certain purposes.

Proviso.

**22.** No decision or order passed by any Judicial Officer in the Punjab and its Dependencies prior to the passing of this Act shall be invalid solely on the ground of a doubt existing as to the authority of the Officer who passed the decision or order.

Saving of decisions and orders passed before passing of this Act.

**23.** This Act shall commence and come into operation on the first day of May 1865.

Commencement of Act.

#### STATEMENT OF OBJECTS AND REASONS.

The jurisdiction now exercised by the Criminal Courts in the Punjab and its Dependencies, is

derived from the Code of Criminal Procedure, but the official title of the Officers exercising the different grades of powers is different. The jurisdiction now exercised by the Civil Courts is derived, not from any express provisions of law, but from orders passed from time to time by the Executive Government. As these orders bear a date prior to the passing of the Indian Councils' Act, 1861, their validity, and the proceedings of the Courts established by them, cannot be called into question; but it is felt that it will be convenient to define the existing powers of the ordinary Courts of Civil and Criminal jurisdiction more particularly, and the opportunity is taken to place the Courts of Judicature of the Punjab on a legal basis, similar to that upon which the Courts of British Burmah and the Central Provinces have been or are being placed, and to give them a similar legal status. This is the first object of this Bill, which follows the form of the Central Provinces' Bill in so far as it defines the jurisdiction of the Courts to which it refers.

The Chief Court of the Punjab will be regulated by a separate Bill now pending before the Council.

A second object of this Bill is to vest certain powers in the Local Government to appoint additional Officers with the powers of a Commissioner, as defined in this Bill, when the pressure of business renders this necessary. The Local Government is also empowered to vest any Judge of a Small Cause Court with the powers of an Assistant Commissioner with full powers, as defined in this Bill. The sanction of the Government of India must be obtained to the appointment of additional Officers, as it entails additional expenditure.

Opportunity is also taken to legalize the jurisdiction of Officers on the Revenue side to try and determine suits affecting rights in land and the product of land. A Commissioner of Settlement has been appointed since the year 1861, vested with the Civil powers of a Commissioner as described in this Bill: under him are subordinate Officers of all grades, but there is no legal sanction to their judicial power which may hereafter be called into question. This Bill gives the Local Government power to appoint such Officers, but the sanction of the Government of India must precede, as in the case above stated.

By the practice of the Punjab, Judicial Officers of all grades have been in the habit of trying all suits affecting rights in land and the product of land on the Revenue side. A final appeal lies to the Financial Commissioner, to the exclusion of the Chief Court of Civil appeal of the Province. A power is granted to the Local Government to invest all Revenue Officers with Civil Court powers for the above-stated purpose so long as a Settlement is in progress; at the close of which such cases will revert to the ordinary jurisdiction of the Civil Courts. This provision corresponds with the provision which has been, with the consent of the Local Government, introduced into the Bill for constituting a Chief Court in the Punjab, and with the provision of the Bill to remove doubts as to the jurisdiction of the Financial Commissioner of Oude. It is to be understood that no change of procedure or law is made by the trial of suits affecting rights in land or the product of land on the Revenue side, but of the tribunal only. Whatever special jurisdiction the Revenue Courts may exercise in summary suits, or other suits made over to the Revenue Officers by special



enactment, remains unchanged by this Bill, which relates only to suits regarding land and the product of land.

This Bill provides that no decision shall be set aside on account of any flaw in jurisdiction.

R. N. CUST.

The 4th February 1865.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 17th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in one week:—

No. 6 of 1865.

*A Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances).*

Whereas it is expedient to amend Act No. XVI of 1864 (to provide for the Registration of Assurances);

It is enacted as follows:—

Act XVI of 1864 Sec. 40, repealed. 1. Section 40 of Act No. XVI of 1864 is hereby repealed.

2. An Abstract of every original instrument affecting immovable property registered by Deputy Registrars to be forwarded through District Registrars to General Register Office.

Abstracts of instruments affecting immovable property registered by Deputy Registrars to be forwarded through District Registrars to General Register Office within seven days from such date, to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office, and shall retain the other in his own office, and enter it in a Book corresponding with the Book No. 1, 2, 3, or 4 as described in Section 56 of the said Act XVI of 1864.

3. During the absence on duty of the Registrar General from the place where the General Register Office is established, it shall be lawful for him to appoint the District Registrar of such place, or, with the sanction of the local Government, such other person as he shall think fit, to perform the duties of the Registrar General under the twenty-sixth and twenty-seventh Sections of the said Act. A District Registrar so appointed as aforesaid shall perform such duties in addition to his own duties as District Registrar. During such absence as aforesaid, such District Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General, and may, in registering any instrument under the said twenty-sixth Section, use the Seal of the Registrar General.

This Act to be construed with Act XVI of 1864.

4. This Act shall be read and taken as part of the said Act No. XVI of 1864.

#### STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to remedy a defect in Section 40 of Act XVI of 1864, (to provide for the Registration of Assurances) which omits to provide what is to be done with the duplicate abstracts forwarded to the General Register Office; and to enable the Registrar General to appoint a Deputy to perform the duties of the former under Sections 26 and 27 of Act XVI of 1864, during his absence on duty.

G. N. TAYLOR.

The 22nd February 1864.

WHITLEY STOKES,

Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 24th February 1865 and was referred to a Select Committee, with instructions to make their report in five weeks:—

No. 7 of 1865.

*A Bill to define and amend the Law relating to Intestate Succession among the Parsees.*

Whereas it is expedient to define and amend the Law relating to Intestate Succession among the Parsees:

It is enacted as follows:—

1. Where the Intestate has left a widow; if he has also left any children, the property shall be divided among the widow and children, so that the share of each son shall be double the share of the widow, and that her share shall be double the share of each daughter.

2. Where the Intestate has left a widower; if she has also left any children, the property shall be divided among the widower and children, so that his share shall be double the share of each of the children.

3. If the Intestate has left children, but no widow, the property shall be divided amongst the children, so that the share of each son shall be four times the share of each daughter.

4. When a female Intestate has left children, but no widower, the property shall be divided amongst the children in equal shares.

5. If any child of the Intestate shall have died in his or her life-time, the widow or widower and issue of such child shall take the share which such child would have taken if living at the Intestate's death in such manner as if such deceased child had died immediately after the Intestate's death, but so that the issue of a deceased child or grand-

child shall take only the share which such child or grandchild would have taken if living. Provided that the issue of a grandchild living at the Intestate's death shall not, nor shall such widow or widower, if he or she shall have re-married during the Intestate's life time, be entitled to take under the provisions of this Section.

**6.** If the Intestate die leaving a widow or widower, but without leaving any lineal descendants, his or her father and mother, if both are living, or one of them if the other is dead, shall take one moiety of the property, and the Intestate's widow or widower shall take the other moiety. Where both the father and the mother of the Intestate survive him or her, the father's share shall be double the share of the mother. Where neither the father nor the mother of the Intestate survives him or her, the Intestate's relatives on the father's side, in the order specified in the first Schedule hereto annexed, shall take the moiety which the father and the mother would have taken if they had survived the Intestate. The next of kin standing first in the same Schedule shall be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female, standing in the same degree of propinquity. If there be no relatives on the father's side, the Intestate's widow or widower shall take the whole.

**7.** If the Intestate die leaving neither lineal descendants nor a widow or widower, his or her next of kin, in the order set forth in the second Schedule hereto annexed, shall be entitled to succeed to the whole of his or her property. The next of kin standing first in the same Schedule shall always be preferred to those standing second, the second to the third, and so on in succession, provided that the property shall be so distributed as that each male shall take double the share of each female standing in the same degree of propinquity.

#### THE FIRST SCHEDULE.

- (1.) Brothers and sisters, and the children or lineal descendants of such of them as shall have predeceased the Intestate.
- (2.) Grandfather and grandmother.
- (3.) Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.
- (4.) Great-grandfather and great-grandmother.
- (5.) Great-Grandfather's sons and daughters, and the lineal descendants of such of them as shall have predeceased the Intestate.

#### THE SECOND SCHEDULE.

- (1.) Father and mother.
- (2.) Brothers and sisters and the lineal descendants of such of them as shall have predeceased the Intestate.
- (3.) Paternal grandfather and paternal grandmother.

(4.) Children of the paternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(5.) Paternal grandfather's father and mother.

(6.) Paternal grandfather's father's children, and the lineal descendants of such of them as shall have predeceased the Intestate.

(7.) Brothers and sisters by the mother's side, and the lineal descendants of such of them as shall have predeceased the Intestate.

(8.) Maternal grandfather and maternal grandmother.

(9.) Children of the maternal grandfather, and the lineal descendants of such of them as shall have predeceased the Intestate.

(10.) Son's widow, if she have not remarried at or before the death of the Intestate.

(11.) Brother's widow, if she have not remarried at or before the death of the Intestate.

(12.) Paternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(13.) Maternal grandfather's son's widow, if she have not re-married at or before the death of the Intestate.

(14.) Widowers of the intestate's deceased daughters, if they have not re-married at or before the death of the Intestate.

(15.) Maternal grandfather's father and mother.

(16.) Children of the maternal grandfather's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

(17.) Paternal grandmother's father and mother.

(18.) Children of the paternal grandmother's father, and the lineal descendants of such of them as shall have predeceased the Intestate.

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to relieve the Parsees from the operation of the English Law, which prescribes the share which females shall take in succession to intestate property. It will provide what shall be the proportion of the shares of females in such inheritances among Parsees, and also, in the event of there being no lineal descendants of a person deceased, the order in which his relatives shall succeed to his property.

The Bill has, in substance, been prepared by the Parsees themselves.

CALCUTTA,  
The 20th February 1885.

H. L. ANDERSON.

WHITLEY STOKES,  
Offg. Asst. Secy. to the Govt. of India,  
Home Department, (Legislative.)

The following Report of the Select Committee, together with the Bill as settled by them was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th February 1865 :—

## REPORT.

We, the undersigned Members of the Select

Minute by the Acting Chief Justice, High Court, Bombay, dated 12th September 1864.

From Mr Justice Forbes, No. 1093, dated 20th September 1864.

Minute by Mr. Justice Couch, dated 21st September 1864.

Remarks by Mr. Justice Letinge, dated 20th September 1864.

Minute by Mr. Justice Bayley, dated 21st September 1864.

Presentment by the Grand Jury, Calcutta, dated 27th September 1864.

From Advocate General, dated 19th February 1860.

From ditto, No. 27, dated 15th April 1860.

From Assistant Secretary to Government, Madras, dated 19th October 1864.

Note by Mr. Justice Norman, dated 17th November 1864.

Additional Minute by Mr. Justice Loringe, dated 18th November 1864.

From Mr. Justice Westropp, High Court, Bombay, dated 9th November 1864.

From Acting Registrar, High Court, Madras, dated 15th November 1864.

Observations of the Chief Justice, High Court, Madras.

Presentment by Grand Jury, Madras, dated 3rd November 1864.

From Clerk of the Crown, No. 1784, dated 3rd December 1864.

Presentment of majority of Grand Jury, Calcutta.

Note by the Hon'ble the Mahārāja of Burdwan.

Petition of British Indian Association, dated 31st December 1864.

Petition of English born subjects residing at the Presidency of Fort William.

the margin, and have the honour to submit the following Report :—

2. The abolition in India of the institution of the Grand Jury, though not the most important feature of the Bill, is that which has attracted the greatest share of public attention: we therefore deem it our duty, in the first instance, to notice that part of the proposed measure.

3. By the 8th Section of the 24th and 25th of Victoria, Cap. 104, the Supreme and Sudder Courts in Calcutta, Madras, and Bombay were abolished. By the 9th Section of the same Act, it was provided that the High Courts of the three Presidencies, established in the places of such Supreme and Sudder Courts, "should have and exercise all such powers and authority in relation to the Administration of Justice as Her Majesty by Letters Patent should grant and direct."

4. In forwarding the Letters Patent of the High Court in Calcutta, Her Majesty's Secretary of State for India stated, in the 25th paragraph of his letter of the 14th of May 1862, that, under certain Clauses, no change would, for the present, be effected by the Charter in the Administration of Criminal Justice in the Presidency Town, or in respect of persons subject to the Criminal Jurisdiction of the High Court residing in the interior of the country; but that it appeared to him some modification of the existing practice both in the Capital and the Mofussil was necessary, and that, on those points, he would address the Government of India in a separate despatch.

5. Her Majesty's Secretary of State, accordingly, in a despatch dated 29th February 1864, expressed his opinion that, as the most obvious reform in the mode of dealing with Criminal charges in the Presidency Towns, Grand Juries should be abolished, and he requested "that steps might be taken for the early introduction into His Excellency the Viceroy's Council of the necessary measure."

6. In support of the conclusion stated in this letter, Her Majesty's Secretary of State referred to two documents, 1st, a Presentment of the Grand Jury in Calcutta in December 1862; 2nd, the first Report of the Indian Law Commissioners.

7. The Grand Jury of Calcutta, in the Presentment to which the Secretary of State alluded, stated, with reference to certain cases of minor importance in the Calendar, "that such cases should not occupy the time of the Grand Jury, but be summarily dealt with by the Bench of Magistrates," and they presented, for the consideration of the Court, a recommendation for legislative enactment that may, "while preserving the institution of the Grand Jury in all its integrity, relieve it from the investigation of such petty charges as constitute the majority of cases in the Calendar of the Criminal Sessions."

8. The other document to which Her Majesty's Secretary of State referred, was the first Report of the Indian Law Commissioners. In the 151st page of that Report the following remarks appear :—

"The provisions proposed by us on the subject of Juries, commence with a rule to the effect that Grand Juries shall be abolished. This institution has never existed in India out of the Presidency Towns, is not adapted to the country, and as coming between the Magistrate and the Sessions Judge, so as to control in any way the proceedings of the former, would not be understood or appreciated by the great mass of the community. The retention of the Grand Juries in Calcutta would involve a very wide, and, as we think, an unnecessary diversity from the practice of the Mofussil in the mode of dealing with criminal charges."

9. In accordance with the foregoing view, the Bill submitted to the Council was prepared. Its provisions have been generally approved by Her Majesty's Government in a despatch dated 7th November 1864, received since the introduction of the measure, but a few modifications on points of detail, not material to the present discussion, have been suggested.

10. The abolition of Grand Juries has been expressly approved by the High Court and the Grand Jury of Madras. In Bombay, it has been approved by all the Judges excepting the Chief Justice. We have also strong reason for believing that the communities of Madras and Bombay, European as well as Native, are favourable to the measure. In Calcutta, a former Grand Jury, as has been stated, considered that a majority of the cases generally found in the Calendar should be removed from the cognizance of Grand Juries.

11. Considering, then, that the abolition of Grand Juries in India has been recommended by the Royal Commissioners and also by Her Majesty's Government, invested, as it has been, by Act of Parliament with special power in that behalf; considering also, that the proposal to abolish them is supported by the communities of Madras and Bombay, we think that, even apart from the question whether a Grand Jury is in itself and in other countries an useful institution, it would be difficult to find reasons for preserving it in India, much more for extending it to the Mofussil. Such extension, indeed, we believe to be almost impracticable. The information laid before us leads us to think that the material for Juries beyond the Presidency Towns is not more than sufficient to supply a satisfactory list of Common Jury-men. We

desire, moreover, to call attention to the fact that unless the Legislature should re-establish that restriction of the right to serve on Juries which was expressly repealed by Statute 2 and 3 Will. 4, Cap. 117, Sec. 2, a Grand Jury over a large part of India would be chiefly composed of Native Gentlemen, as may be collected from the subjoined extract from the Jury Rules.\* Whether this result would, in practice, be beneficial, it is unnecessary to consider; since it is not desired by the Europeans, and the documents expressive of Native opinion, which are before us, lead us to believe that the system of Grand Juries is not regarded with favour by the Natives.

12. Our Hon'ble Colleague, Mr. Bullen, while he admits that the establishment of the Grand Jury system in the Mofussil is impracticable, and while he acknowledges the difficulty of retaining it for Calcutta, so long as Madras and Bombay are desirous of dispensing with it, is nevertheless of opinion that if it had not been for the view which appears to be taken of the subject, in Madras and Bombay, Grand Juries might have been retained in the Presidency Towns, though not extended to the Mofussil.

13. The portion of the proposed measure to which we have given our most serious attention is that which provides facilities for the trial of European British subjects at or near the place at which they are alleged to have committed offences. The Bill, as originally framed, continued in effect for the Mofussil the system which has been established by Act of Parliament in the Presidency Towns, and under which much of the procedure in criminal trials is regulated by rules of the High Court. But Her Majesty's Government, and nearly all the Judges who have adverted to the subject, have expressed the opinion that many matters, which, in the Presidency Towns, depend upon rules of Court should, in the Mofussil at all events, be governed by express legislation. In accordance with this opinion, the Committee have made large additions to the Bill.

14. In order to explain the modifications which this measure will effect in the mode of trying European British subjects, it may be convenient to describe the course which, if the Bill becomes law, will be followed whenever a European British subject is charged in the Mofussil with an offence for which he would now be committed to the Presidency Town. As soon as the Magistrate has determined to commit the accused person, he will send to the High Court a copy of the charge and of the depositions and other documents connected therewith. The High Court, after communicating with

Government—a communication of which the object is to inform the Court whether there is any intention of issuing a Commission within a reasonable time—will decide whether the person charged shall be tried at any place specified in such Commission, or shall be sent for trial as at present to a Presidency Town. The Magistrate will then commit him or hold him to bail in conformity with the direction of the High Court.

15. Some such system as that described in the last paragraph is for the present necessary to prevent the detention of accused persons during periods of unreasonable length. It is probable that, until proper accommodation for European prisoners has been provided in the Jails, and until further facilities of communication exist between the Presidency Towns and the large Mofussil Cities, the Government will only be able to depute Judges under Commission at irregular and uncertain intervals. We do not think that Europeans should be committed as of course for local trial until a system of regular Jail deliveries at fixed and not too long intervals can be established. But, in anticipation of the complete or partial establishment of such a system hereafter, we have provided that the High Court may, by a general order, direct that all Europeans who may be charged with offences within certain districts and within certain parts of the year shall be committed for trial at some particular place. When such an order has been given, the Magistrate will not be under the necessity of waiting for any special direction from the High Court before committing or bailing the accused person for trial at such place.

16. When a European British subject is tried by a Judge of the High Court in the Mofussil, the proceedings will be governed in general by the Code of Criminal Procedure. It appears to us that the provisions of the Code, when applied to trials before a Judge of such authority and rank, may be conveniently modified in several particulars. Sections 37 to 41 of the Bill as amended by us contain the modifications in question. Their effect is to bring a trial before a Judge of the High Court in the Mofussil into close harmony with similar trials in the Presidency Towns.

17. All trials before a Judge sitting under Commission will be by Jury. The composition of the Jury is a matter which has engaged our anxious attention, and has been much discussed by us.

The Jury recommended for the Presidency Towns by the Royal Commissioners—which is a Jury of nine deciding by a majority of two-thirds if the Judge concur—appears to us preferable to the Jury system of the Code of Criminal Procedure. But we have finally decided to retain the familiar number of twelve, the verdict to be carried either by unanimity among the Jurors or by a majority consisting of nine, in the event of the Judge concurring. Absolute unanimity, which might entail the frequent discharge of Juries, we consider to be excluded by the largeness of the Jury we have determined upon, and by the scantiness of good Jury material in the Mofussil.

18. We have followed the principle which the Code of Criminal Procedure applies to the trials of Americans and of Europeans who are not British subjects, in providing that the majority of the Jury empanelled for the trial of a European British subject shall, if he so require, consist of Europeans or Americans. To secure a sufficient number of

\* "All covenanted servants of the Hon'ble Company's Civil Service, all persons who, according to the usage of England, are entitled to the style and addition of Esquire, or of any higher degree, or who shall be described in the lists hereinafter mentioned as Merchants or Bankers, all persons whose claims to the title of Rajah, or to have about them any insignia of equivalent rank, have been formally acknowledged by the Government, or whose rank or superiority of caste, according to the usage of their tribe or religion, would prevent them from sitting on Common Juries, or whose property, or interest in lands, tenements, or goods, would be worth two hundred thousand Rupees, after the payment of their just debts, shall be exempted from serving on any other than Special or Grand Juries; provided always that if any person, who is entitled to this exemption, shall be willing to waive the same and to serve on Common Juries, an entry to that effect shall be made in a separate column, upon the lists and book hereinafter mentioned, and the party shall be deemed to be qualified and liable to serve, both on Special and on Common Juries."



European Jurors, we have partially repealed the exemption of Military men from Juries under the Code, and we have permitted Commissioned and Non-Commissioned Officers to be summoned. We have, however, provided that no summons shall issue until after communication with the Commanding Officer, and that no Military man shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent Military duty.

19. As it is scarcely probable that the trials of European British subjects will occupy the whole time of the Judge during his sittings under Commission at a particular place, we have provided that he shall try such other persons committed to the Sessions Court of the place as he shall think proper. We have also made provision for including in the Commission any Barrister-at Law of five years' standing or Sessions Judge, who, under the name of Associate Judge, may try any person not being a European British subject whom the High Court Judge may direct him to try; but such last-mentioned trials will be regulated exclusively by the Code of Criminal Procedure. If the Judge of the High Court and an Associate Judge sit together, the former will exclusively conduct the trial.

20. We desire to add that the 30th Section of the Letters Patent of the Bengal High Court, and the corresponding Sections of the Letters Patent of the Madras and Bombay High Courts, which are repeated in Sections 22, 23, and 24 of the Bill, empower a Judge or Judges of the High Court, sitting under Commission, to exercise the same jurisdiction, power and authority as might be exercised by a Judge or Judges of the High Court at the Presidency Towns. Section 25 of the present Bill, which is in harmony with the Letters Patent, enables the High Court to allot such part of its extraordinary original civil jurisdiction, civil and criminal appellate jurisdiction and jurisdiction as a Court of revision or reference as the High Court may consider can be more conveniently exercised at the places mentioned in the Commission than at its usual place of sitting.

21. The changes we propose to effect in the Criminal Procedure of the High Court exercising jurisdiction at the Presidency Towns are not, apart from the abolition of the Grand Jury, of great importance. We have provided that all charges of capital crimes, and all the cases which the High Court may, on account of their difficulty, or for any other reason, direct to be so tried, shall be tried by Special Jury, a mode of trial now only in use for misdemeanors and of uncertain application since the enactment of the Indian Penal Code. The Special Jurors will be exempt from service on Common or Petty Juries, and the Special Jury list will, in the first instance, comprise all gentlemen now entitled to the privilege of serving on Grand Juries. But as we trust that, when the machinery of the Bill is in full operation, it will not exhaust the Petty Jury list to the extent to which it is now exhausted by the Grand Jury, we have provided that no addition shall be made to the Special Jury list until by death, departure from India, or other loss of qualification, the Special Jurors shall be reduced to two hundred, which number we think sufficient for the Special Jury cases likely to be tried in the Presidency Towns. When the number of Special Jurors is below two hundred, we provide that the full number shall be completed by selection on the part of

some Officer nominated by the Chief Justice, regard being had to property, education, character, and intelligence. It may be remarked that, as we prescribe a maximum number of Special Jurors, no fixed qualification can be assigned, and the power vested in the selecting Officer must be entirely discretionary.

22. Finally, we desire to observe that, whether a trial under this Bill takes place in the Presidency Towns or in the Mofussil, a Judge of the High Court, if upon perusal of the depositions he considers any charge to be clearly unsustainable, will have the power to make an entry to that effect. Such an entry will operate in the Presidency Towns as a *nolle prosequi*, and will have practically the same result in the Mofussil. Moreover, if no further charge against the same person on the same grounds be preferred in three years, he will be placed in the same position as if he had been actually acquitted. The power of making such an entry we regard as an unobjectionable substitute for the functions of a Grand Jury.

23. Mr. Bullen individually prefers, for the trial of European British subjects in the Mofussil, an unanimous Jury of seven, consisting wholly of Europeans or Americans, to the Jury which the Committee has agreed to recommend.

24. We recommend that the Bill as amended by us be passed, but that it be previously republished with this Report in the *Official Gazette*.

H. S. MAINE.  
C. BEADON.  
R. NAPIER.  
H. B. HARRINGTON.  
W. GREY.  
H. L. ANDERSON.  
J. N. BULLEN.  
W. MUIR.  
R. N. CUST.  
D. COWIE.

The 15th February 1865.

## AMENDED BILL.

No. 19 of 1864.

*A Bill to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.*

Whereas it is expedient to amend the procedure of the High Courts of Judicature at Fort William in Bengal, at Madras and at

Bombay, in the exercise of their original criminal jurisdiction, and also to provide for the exercise by such Courts of original criminal jurisdiction under the Commission of the Governor-General of India in Council, or of either of the Governors in Council of Madras and Bombay, in places other than the Presidency Towns, or at several such places by way of circuit: It is enacted as follows:—

### Preliminary.

1. This Act may be cited as "The High Courts' Criminal Procedure Amendment Act, 1865."

Short title.

**2.** In this Act, unless there be something repugnant in the subject or context—

*Interpretation clause.*  
 "High Court" denotes Her Majesty's High Courts of Judicature at Fort William in Bengal, at Madras, and at Bombay, respectively.

"Chief Justice." "Chief Justice" shall include an Officiating Chief Justice.

"Magistrate" denotes any person exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and includes Police Magistrates in any Presidency Town.

"Clerk of the Crown" includes, besides such Officer, a Crown Prosecutor and any Officer specially appointed by the Governor-General of India in Council or the Governor in Council of Madras or Bombay to discharge the functions given by this Act to the Clerk of the Crown, in respect of any sittings of a Judge or Judges of the High Court in a place other than the usual place of sitting, or in respect of any sittings of a Barrister under the forty-fourth Section of this Act.

"British India" denotes the territories which are or may become vested in Her Majesty under the Statute 21 and 22 Vic., cap. 106, except the Settlement of Prince of Wales' Island, Singapore and Malacca.

Words importing the masculine gender include females: words in the singular number include the plural, and words in the plural number include the singular.

*Of Charges where the accused is committed in a Presidency Town.*

**3.** Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any person for trial before the High Court for an offence committed, or which according to law may be dealt with as if it had been committed within the local limits of its ordinary original Civil jurisdiction, shall, together with all examinations, informations, bailments and recognizances now required to be delivered to such Court before the trial, deliver to the Clerk of the Crown a written instrument of charge signed by him stating for what offence such person is so committed or held to bail.

*Charge to be delivered to Clerk of the Crown with commitment within the local limits of the ordinary original Civil jurisdiction.*

**4.** The Clerk of the Crown shall peruse and consider the charge, and may, if he consider it necessary or expedient so to do, amend, alter or add to the same.

The charge, with such amendments, alterations or additions, if any, shall be recorded in the High Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

**5.** The person charged shall also be entitled to copies of the examinations of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same not exceeding one anna for each folio of ninety words.

**6.** Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions contained in the eighth Section of this Act) shall be arraigned at suit of the Crown, and the verdict shall be recorded thereupon.

**7.** In Act XVIII of 1862 (to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal justice in Her Majesty's Supreme Courts of Judicature), the word "indictment" shall be understood to include the word "charge," and all the provisions of the said Act shall apply to charges recorded as aforesaid and the trial of such charges.

**8.** When any such charge shall have been recorded in the High Court as aforesaid and shall at any time before the person charged is arraigned, appear to the Judge of the High Court who would in ordinary course try the same, to be clearly unsustainable, an entry to that effect may be made on the charge by such Judge. Such entry may be made without the fiat of the Advocate General, and shall have the effect of a *nolle prosequi* upon the charge; but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

#### *Of Grand Juries.*

**9.** From and after the date on which this Act shall come into operation, no warrant or precept shall be issued to the Sheriff or other Officer directing him to summon any persons to attend and serve as Grand Jurors. All persons who, but for this Act, would have been exempt from serving on Common Juries shall be liable, except as hereinafter provided, to serve on such Juries.

**10.** No person shall be brought before the High Court on the presentment or inquisition of Grand Jurors, unless such presentment or inquisition shall have been made by Grand Jurors who shall have been duly summoned before this Act comes into force: Provided that if any precept for summoning a Grand Jury shall have been issued for the then next coming Sessions of the High Court, such Grand Jury shall proceed at such Sessions as if this Act had not passed.

*No one to be charged on the presentment or inquisition of Grand Jurors unless they have been summoned before the commencement of this Act.*

*Charge with amendments, alterations or additions (if any) to be recorded.*

*Of Juries in the Presidency Towns.*

**11.** Every person tried in a Presidency Town upon a charge of having committed an offence which is punishable with death, or upon any other charge if a Judge of the High Court shall so order, shall be tried before a Special Jury.

**12.** The Jurors' Book for the year current when this Act comes into force, shall be taken as containing a correct general list of persons qualified and liable to serve as Jurors under this Act: and those persons whose names are entered in the said Jurors' Book as being privileged to serve on Grand or Special Juries only, shall be deemed to be persons privileged and liable to serve only as Special Jurors under this Act: and a list of such last mentioned persons, to be called the "Special Jurors' List," shall forthwith, and subject to such rules as shall be prescribed by the High Court, be prepared by the Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct.

**13.** The number of persons included in the "Special Jurors' List" prepared as in the last preceding Section is provided, shall be permitted gradually from year to year to diminish until the whole number of names remaining on such list shall not exceed two hundred: and no new name shall be added to such list until the number shall have been so diminished by the death or change of residence of the persons originally included in the list, or by other loss of such qualification as gave them the privilege of serving only as Grand or Special Jurors. After the number shall once have been reduced as aforesaid, the names of not more than two hundred persons shall ever at any one time be entered in the Special Jurors' List.

After which the number of Special Jurors not to exceed two hundred.

**14.** All persons whose names are entered in the "Special Jurors' List" shall be exempted from serving on any other than Special Juries.

**15.** The Clerk of the Crown or such other Officer as the Chief Justice of the High Court shall direct, shall, before the first day of April in each year, and subject in all respects to such rules as the High Court shall from time to time prescribe, prepare a list of all persons qualified and liable to serve as Jurors: and shall before the fifteenth day of April, which shall first occur after the reduction of the number of names in the "Special Jurors' List" as aforesaid, and before every subsequent 15th day of April, but subject always to such rules as aforesaid, take from the general list of Jurors the names of such persons as he may think fit, regard being had to their property, character, and education, and shall enter the same in the "Special Jurors' List."

**16.** The Clerk of the Crown or other Officer appointed by the Chief Justice shall, subject to such rules as aforesaid, have full and entire discretion to prepare the said lists as shall seem

to him to be proper, and there shall be no appeal from or review of his decision.

**17.** The list of persons qualified or liable to serve as Jurors, and the "Special Jurors' List," respectively, signed by the Officer by whom the same shall have been prepared, shall be published once in the Official Gazette, before the first day of May next after their preparation, and copies of the said lists shall be affixed to some conspicuous part of the Court House.

**18.** Out of the names contained in the lists aforesaid, there shall be summoned for each Sessions thirty-six of those who are qualified and liable to serve on Special Juries, and seventy-two of those who are qualified and liable to serve on Common Juries.

*Of Challenges of Jurors in the Presidency Towns.*

**19.** A peremptory challenge to the number of twenty in Common Juries and ten in Special Juries, shall be allowed; but there shall be no challenge to the array; and save as aforesaid the following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person charged:—

(1.) Some personal objection, such as alienage, infancy, old age or deficiency in the qualification required by any law or rule having the force of law for the time being in force.

(2.) Some presumed or actual partiality in the juror.

(3.) A previous conviction of the juror under the Indian Penal Code, or the criminal law administered in the Supreme Courts of Judicature or the Courts of the East India Company previously to the enactment of such Code.

**20.** The Judge before whom the person charged is about to be tried shall try any challenge, other than a peremptory challenge, and if he allow the challenge the juror shall be set aside.

**21.** Save as hereinbefore provided, the High Court shall retain all its present powers respecting the summoning, empanelling, qualification, challenging and service of jurors in the Presidency Towns: and shall have power to make such rules on these subjects (not inconsistent with the provisions of this Act) as shall seem to it to be proper. All rules relating thereto now in force in the High Court shall (so far as they are not inconsistent with this Act) remain in full force until repealed or altered by new Rules made under this Section.

*Of Sitzings under a Commission.*

**22.** From and after the commencement of this Act, whenever it shall appear to the Governor-General of India in Council convenient that the jurisdiction and power vested in the High Court at Fort William in Bengal should be exercised in any place within the jurisdiction of

any Court now subject to the superintendence of the said High Court, whether within or without the Bengal Division of the Presidency of Fort William, other than the usual place of sitting of such Court, or at several such places by way of circuit, and the Governor-General of India in Council shall, by his Commission for that purpose, authorize and direct any of the Judges of such Court to hold sittings at such place or places accordingly, at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed, shall have and exercise the same jurisdiction, power and authority as would be had and exercised by a Judge or Judges of the High Court of Judicature at Fort William in Bengal in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of such High Court to the provisions contained in the twenty-eighth and following Sections of this Act.

**23.** From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Madras convenient that the jurisdiction and power vested in the

High Court of Judicature at Madras should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same High Court, whether within or without the Presidency of Madras, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the place and manner therein directed, shall have and exercise the same jurisdiction, power and authority as would be had and exercised by a Judge or Judges of the High Court at Madras, in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

**24.** From and after the commencement of this Act, whenever it shall appear to the Governor in Council of Bombay convenient that the jurisdiction and power vested in the High Court of

Judicature at Bombay should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the same Court, whether within or without the Presidency of Bombay, other than the usual place of sitting of such Court, or at several such places by way of circuit, and such Governor in Council shall by his Commission for that purpose authorize and direct any of the Judges of such Court to hold sittings in such place or places accordingly at or within such times as by such Commission may be authorized or directed, the Judge or Judges acting under such Commission in the places and manner therein directed shall have and exercise the same jurisdiction, power and authority, as would be had and exercised by a Judge or

Judges of the High Court at Bombay in its ordinary place of sitting, but subject, as respects the exercise of original criminal jurisdiction in any place other than the ordinary place of sitting of the same Court, to the provisions contained in the twenty-eighth and following Sections of this Act.

**25.** The High Court may allot to a Judge or Judges acting under a Commission as aforesaid, such part of the extraordinary original Civil jurisdiction, and of the Civil and Criminal Appellate jurisdiction, and of the jurisdiction as a Court of revision or reference which it is competent to exercise at its usual place of sitting as the High Court may consider can be more conveniently exercised at any place or places mentioned in such Commission.

**26.** Every Commission issued as aforesaid under any of the preceding Sections shall specify the time during which and the districts or places within which such Commission shall remain in force; and the limits of such districts or places shall be defined by notification in the Official Gazette.

**27.** The Governor General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, may by such Commission as aforesaid associate with such Judge of the High Court any Barrister-at-law of not less than five years' standing or any Sessions Judge. The person so associated shall be called the Associate Judge, and, unless directed to try persons separately as hereinafter provided, may sit with the Judge of the High Court during the trials of persons tried under such Commission. Whenever any Associate Judge sits with the Judge of the High Court, the latter shall preside, conduct the case, and pronounce judgment.

**28.** Any Justice of the Peace or Magistrate without the local limits of the ordinary original Civil jurisdiction of the High Court, before whom any European British subject shall be brought for an offence

committed without those limits shall, immediately after the conclusion of the preliminary enquiry, and if he shall determine to commit or hold to bail such person for trial, give notice thereof to the High Court, to which the commitment or bailment would ordinarily be made, and shall send to the Clerk of the Crown, together with the record of the preliminary enquiry, and translations into English of any writings not in that language, a written instrument of charge signed by him stating for what offence such person is committed or held to bail. On receipt of these documents the Clerk of the Crown shall proceed as directed in the like case in the fourth Section, and the person charged shall be entitled to copies in like manner as he would be entitled to copies under the fifth Section, of this Act. If a Commission under which the person charged might be tried shall have been issued, the High Court shall consider at what place the person charged can be most conveniently tried, and shall give directions accordingly: if no such Commission shall have been issued, the High



Court shall request information from the Government as to whether such Commission is about to issue, and shall then give such directions as last aforesaid. Provided always that, if the commitment or bailment have been made after the issue and during the running of a Commission under which the person charged might be tried, the notice by this Section directed to be given to the Clerk of the Crown shall be given, and the documents directed to be sent, to the Clerk of the Crown, shall be sent to the Clerk of the Crown with the Judge of the High Court acting under the Commission. Such Judge shall have all the powers given to the High Court by this and the next succeeding Section.

**29.** The charge, whether it shall or shall not

The charge shall be deemed a charge under the Criminal Procedure Code.

have been amended, altered, added to under the last preceding Section shall, if the person charged be directed to be tried at a place other than the usual place of sitting of the Court, have the same effect as a charge under the thirteenth Chapter of the Code of Criminal Procedure, and the person charged shall be tried thereon before a Judge of the High Court whether sitting by himself or with an Associate Judge. But if, at any time before the High Court shall have directed

If unsustainable, the proceedings may be stayed.

where the trial of the person charged shall take place, the charge appear to the High Court to be clearly unsustainable, an entry to that effect may be made by the proper Officer of the Court at any time before the commencement of the trial. Such entry shall have the effect of staying proceedings on the charge; but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted. If the person charged be directed to be tried at the usual place of sitting of the Court, the charge whether amended, altered, or added to, as last aforesaid or not, shall have the same effect as, and be deemed to be, a charge under the sixth, seventh, and eighth Sections of this Act.

**30.** Pending the directions of the High

Procedure pending directions of High Court.

Court as to the place of trial, every such British subject as is referred to in the twenty-eighth Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal Jail in which he can be most conveniently confined. If the trial shall be directed to take place in the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail of the High Court in such usual place. If the High Court shall direct that the person charged be tried elsewhere than in its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial in the place directed, or (as the case may be) shall if necessary cause him to be removed to the Criminal Jail of or nearest to the place at which such person is directed to be tried, and the Officer in charge of such Criminal Jail shall keep such person in safe custody until discharged in due course of law.

**31.** It shall be lawful for the High Court to

High Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court or to direct that they shall be tried at a particular place named; and also to order that such European British subjects shall if not bailed be committed for intermediate custody to a particular jail being one of the jails appointed by the Government for the reception of such prisoners. In any such case the High Court may direct further that the notice required by the twenty-eighth Section to be given, and the papers required by that Section to be sent to the Clerk of the Crown, shall be given and sent to a particular Clerk of the Crown named by the High Court in that behalf. Every person bailed or committed to take his trial at any particular place in compliance with a general direction under the provisions of this Section shall be dealt within all respects, as if he had been bailed or committed in compliance with a special direction under the twenty-eighth Section.

**32.** When the High Court shall have directed

Jurisdiction over European British subjects tried under Commission.

that any European British subject shall be tried at any place other than its usual place of sitting, the Judge of the High Court acting under such Commission as aforesaid in the place and manner therein mentioned shall, whether sitting by himself or with the Associate Judge, have and exercise in respect of such European British subject the same jurisdiction, power and authority which would be had and exercised by the High Court at its ordinary place of sitting if the said European British subject had been committed or bailed to the said High Court at its ordinary place of sitting for the offence with which he is charged. But the trial of the said European British subject before such Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall, subject to the exceptions hereinafter declared, be conducted in accordance with the rules and provisions contained in the Code of Criminal Procedure and thereby made applicable to trials of persons committed or bailed for trial before the Court of Session for offences triable by such Court.

Code of Criminal Procedure to apply to such subjects except as hereinafter declared.

**33.** The Judge of the High Court acting

Jurisdiction over persons not European British subjects tried under Commission.

under such Commission in the place and manner therein mentioned and whether sitting by himself or with the Associate Judge, shall, if he shall think fit, have and exercise the same jurisdiction, power and authority in respect of any person committed or bailed for trial under the Code of Criminal Procedure before the Court of Session at the place and within the time in such Commission mentioned as might be had and exercised by the Court of Session to which such person was committed or bailed. The trial of such person shall be conducted, subject to the exceptions hereinafter declared, in accordance with the rules and provisions contained in the Code of Criminal Procedure

and thereby made applicable to trials before a Court of Session of persons committed or bailed to such Court for offences triable by the same.

**34.** All trials before a Judge of the High Court acting under such Commission as aforesaid, and whether sitting by himself or with the Associate Judge, shall be by Jury.

**35.** Whenever the Governor-General of India in Council or the Governor of Madras or of Bombay in Council, as the case may be, shall have signified to the High Court that it is intended to issue a Commission as aforesaid to any Judge or Judges of the High Court authorizing and directing sittings of the said Judge or Judges in any place, the High Court shall give notice of such intention to the Court of Session at such place, and thereupon the said Court of Session shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall

think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of persons charged with offences before the Judge of the High Court acting under Commission as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of persons triable by such Judge of the High Court acting under such Commission as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

**36.** If the person charged shall be a European British subject and shall so require before the jury shall be empannelled, the majority of the jurors shall consist of Europeans or Americans. If such a jury cannot be procured, the person so charged shall be sent for trial by the High Court in its usual place of sitting.

**37.** On every trial mentioned in the thirty-fourth Section of this Act, the requisite to verdict of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity,

or of such majority and concurrence, the prisoner shall be acquitted.

**38.** During the trial of any person before a Judge of the High Court, acting under Commission as aforesaid or by a Judge of the High Court and an Associate Judge sitting together, any act, not of a judicial nature, which the Code of Criminal Procedure requires to be done by the Court of Session, may be done by the Clerk of the Crown or by any Officer of the Court directed by such Judge to perform such act.

**39.** So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by a Judge of the High Court acting under Commission as aforesaid.

**40.** So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form shall not apply to judgments, sentences, or findings in trials before a Judge of the High Court acting under such Commission as aforesaid, whether sitting by himself or with an Associate Judge; but the Judge shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as he shall think proper.

**41.** When any person has been convicted of an offence before a Judge of the High Court acting under Commission as aforesaid, the Judge, if he think proper, may reserve for the decision of the High Court any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the

Magistrate or other Officer in charge of the Jail of the District at which the trial was held, and such Magistrate or other Officer shall proceed thereupon in like manner as he is directed by the Code of Criminal Procedure to proceed in respect of sentences by a Court of Session not requiring confirmation. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision of the High Court thereon, be dealt with in like manner as persons sentenced by a Court of Session in cases where the sentence requires the confirmation of the Sudder Court under the Code of Criminal Procedure. If the decision of the High Court be adverse to the person convicted, such decision shall be forwarded to the Court of Session of the district in which the trial took place, in like manner as is directed by the three hundred and eighty-third Section of the



said Code with reference to orders of confirmation of sentences, and thereupon the said Court of Session and all other persons shall proceed as if the person convicted had been sentenced by such Court of Session and as if such sentence had been confirmed by the Sudder Court under the Code of Criminal Procedure.

**42.** Save as is hereinbefore otherwise provided,

Save as aforesaid the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before a Judge of the High Court acting under Commission as aforesaid, or before such Judge and an Associate Judge, and to trials before such Judge of the High Court or before such Judge and an Associate Judge, and to sentences by such Judge of the High Court and to the carrying into execution of such sentences.

**43.** If the Judge of the High Court think fit, he may direct the Associate Judge to try any person, other than a European British subject, who under this Act is triable by such Judge of the High Court. The trial of such person shall be regulated without exception by the rules of the Code of Criminal Procedure applicable to trials of persons committed or bailed for trial before a Court of Session, and such person, if convicted, shall be dealt with as if he had been convicted before the Court of Session of the district in which the trial was held. Any person, other than a European British subject who has been committed or bailed for trial before the Court of Session of any place mentioned in such Commission as aforesaid, but who has not been tried under this Act during the time for which the Commission remains in force, shall be tried by the Court of Session to which he was committed or bailed as if this Act had not passed.

High Court Judge may direct Associate Judge to try any one triable under Commission not an European British subject.

**44.** From and after the commencement of this Act, it shall be lawful for the Governor General of India in Council by his Commission to authorize and direct any Barrister-at-law of not less than five years' standing, although not a Judge of any High Court, to hold sittings at any place in British India, other than the usual place of sitting of such Court, and other than any place referred to in the twenty-second, twenty-third and twenty-fourth Sections of this Act, or at several such places by way of circuit. The Barrister acting under such Commission, in the places and manner therein directed, shall have and exercise the same jurisdiction, power and authority as (subject to the provisions hereinbefore contained) would be had and exercised by a Judge of the High Court acting under any such Commission as aforesaid.

Power to Governor General of India in Council to appoint a Barrister to hold sittings under Commission at places not hereinbefore referred to.

**45.** This Act shall commence and come into operation on such date as the Governor General of India in Council shall appoint by notification in the *Gazette of India*.

Act not to extend to Straits Settlement.

**46.** This Act shall not extend to the Settlement of Prince of Wales Island, Singapore and Malacca.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 17th February 1865, and was referred to a Select Committee, with instructions to make their report thereon in two weeks :—

No. 26 of 1864.

*A Bill to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Port William in Bengal.*

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Port William in Bengal, persons should, for the purpose of being received and detained in prison, be committed to the custody of Officers appointed by the Government of Bengal, instead of to the custody of the Sheriff of Calcutta; it is enacted as follows :—

**1.** In this Act :—

"High Court" denotes Her Majesty's High Court of Judicature at Port William in Bengal.

"Justice of the Peace" includes any person duly appointed under the Statute 33 Geo. III, cap. 52, Section 151, to act as a Justice of the Peace within the Provinces of Bengal, Behar, and Orissa, and also any person duly appointed under the Statute 2 and 3 William IV, cap. 117, Section 1, to act as a Justice of the Peace within the town of Calcutta.

"Magistrate" denotes a Magistrate of Police appointed under Act XIII of 1856.

"Superintendent of the Presidency Jail" denotes any Officer appointed under this Act to receive and keep prisoners.

**2.** Sections 47, 48, 49, 50, 51 and 52 of Act XVIII of 1862 (to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature), and Act XXV of 1863 (to empower Judges of the High Court and other authorities at Port William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction), are hereby repealed.

**3.** After the commencement of this Act, no person shall be committed to the Sheriff of Calcutta to be received and detained in prison; and the Judges, of the High Court in the exercise of their original Criminal jurisdiction shall not award and issue writs to the Sheriff of Calcutta commanding him to arrest and seize the bodies of offenders, and bring them to such place and them to keep until they shall be delivered by due course of law.

**4.** It shall be lawful for the Government of Bengal to appoint an Officer who shall, under the name of Superintendent of the Presidency Jail, have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

**5.** Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment, simple or rigorous, or to death, such person shall be delivered to the Superintendent of the Presidency Jail together with the warrant of the said Court, and such warrant shall be executed by such Officer, and returned by him to the High Court when executed.

**6.** Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, such person shall be delivered for intermediate custody to the Superintendent of the Presidency Jail; and from such delivery the imprisonment of such person shall have effect in accordance with the provisions of Act XXXV of 1860 (*relating to the transportation of convicts*).

**7.** Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta to imprisonment with or without hard labour, and whenever any person shall be imprisoned for default of payment of any fine imposed by any such Magistrate, such person shall be delivered to the Superintendent of the Presidency Jail, together with a warrant of the Court.

**8.** The Superintendent of the Presidency Jail shall detain the person so delivered to him according to the exigency of such warrant, and shall return such warrant when executed to the Court whence it issued.

**9.** Persons committed by a Justice of the Peace for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the Superintendent of the Presidency Jail, together with a warrant of commitment, directing him to have the bodies of such persons before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

**10.** Every person arrested in pursuance of a warrant of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta under Act IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay*), shall be delivered by the proper Officer of

the Court executing such warrant, together with a copy of such warrant, to the Superintendent of the Presidency Jail; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

**11.** The Superintendent of the Presidency Jail shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

**12.** From and after the passing of this Act, all persons confined in the House of Correction, or the Great Jail of Calcutta, whether under the sentence of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, or of the High Court, or of any Police Magistrate, shall be considered to be and shall remain in the custody of the Superintendent of the Presidency Jail according to the terms of the warrants under which they have been respectively committed to custody.

**13.** Any warrant of commitment under Regulation III, 1818, of the Bengal Code, may be directed to the Superintendent of the Presidency Jail in the same manner as the same might have been directed to the Sheriff under Act XXXIV of 1850 (*for the better custody of State Prisoners*) and Act III of 1858 (*to amend the Law relating to the arrest and detention of State Prisoners*).

**14.** The provisions contained in the Statute 11 Vic., cap. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), relating to persons in prison or liable to be arrested or detained in or remanded or re-committed to, or entitled to be discharged from prison within the limits of the town of Calcutta, shall apply to all persons in the custody of the Superintendent of the Presidency Jail, or liable to be delivered to or entitled to be discharged from his custody.

**15.** This Act shall come into operation on the day of Commencement of the Act. 1865.

**16.** The provisions of this Act may be extended to the local jurisdictions of Her Majesty's High Courts of Judicature at Madras and Bombay respectively by notification in the *Gazette of India*: such provisions when so extended shall, *mutatis mutandis*, relate to the custody of prisoners in such jurisdictions; and so much of the Regulations or Acts for the time being in force in such jurisdictions respectively as is in any way inconsistent with or repugnant to any of the provisions of this Act shall thenceforward cease to have effect in such jurisdictions.



## STATEMENT OF OBJECTS AND REASONS.

The primary object of the present Bill is to remove the Great Jail of Calcutta from the control of the Sheriff, and to transfer it to that of the Government of Bengal.

The Sheriff of Calcutta, who has at present the exclusive control of the whole Jail, except the House of Correction, is not responsible to Government for the proper discharge of his duties. Much inconvenience has hence resulted. The Commissioner of Police, who manages the House of Correction, does not reside within the limits of the Jail, and cannot therefore give it the requisite personal attention. It is moreover desirable to provide that the Jail should be inspected more scientifically and regularly than can be done by the Visiting Justices, on whom that duty now devolves. The present Bill proposes to supply these defects by relieving the Sheriff and the Commissioner of Police from all concern with the Jail, and by placing the Officer in charge of it, as in the case of Jails in the Mofussil, under the authority of the Inspector-General and through him of the Government of Bengal.

Power is given to the Governors in Council of Madras and Bombay respectively, to deal in like manner with the Jails of Madras and Bombay.

CECIL BEADON.

*The 4th February 1865.*

WHITLEY STOKES,

*Offg. Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).*

## HOME DEPARTMENT.

No. 1831.

*Fort William, the 27th February 1865.*

## NOTIFICATIONS.

Lieutenant B. H. Davidson, of the 3rd Battalion of Her Majesty's 60th Rifles, is appointed to officiate as Assistant Superintendent of Police in British Burmah, vice Captain Fryer, transferred to the Commission.

Lieutenant Davidson joined his appointment on the 3rd February 1865.

No. 1974.

The Reverend A. Robinson, Junior Chaplain on the Bengal Establishment, returned to India, arriving at Bombay on the 11th instant. His services are placed at the disposal of the Government of the North-Western Provinces.

No. 1975.

*The 28th February 1865.*

Notification No. 1512, dated the 17th instant, attaching Mr. W. H. Thompson, of the Civil Service, to the Bengal Division of the Presidency of Fort William, is cancelled.

No. 1976.

The Governor-General in Council is pleased to invest the under-mentioned Extra Assistant Com-

missioner in the Central Provinces with the powers of a Magistrate, described in Chapter II, Section 22 of Act XXV of 1861:—

Mr. A. Collis, Extra Assistant Commissioner, Doomagoodium, Sironcha District.

No. 1977.

The Governor General in Council is pleased to invest Luchmun Rao Mohitea with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter 2, Section 22 of Act XXV of 1861, as long as he shall officiate as Tehsildar of Chanda in the Central Provinces.

No. 1978.

*The 1st March 1865.*

Dr. J. C. Corbyn, appointed Inspector of Prisons in Oudh by G. O. No. 4, dated 4th January 1865, received charge of his office from Dr. H. M. Cannon on the forenoon of 16th February 1865.

Dr. H. M. Cannon, Civil Surgeon of Lucknow, officiated as Inspector of Prisons in Oudh, in addition to his regular duties, from the forenoon of the 2nd January to the forenoon of 16th February 1865.

No. 1979.

The under-mentioned specifications of inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India, in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open at all reasonable hours at the Office of the Secretary to the Government of India, in the Home Department, to public inspection, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of copying:—

No. 221.—William Maylor, of Beypore, in the Presidency of Madras, for husking, peeling, and removing the parchment and cherry skins from coffee berries.

No. 223.—Edward Brown Wilson, Engineer, No. 10, Strand, in the County of Middlesex, for improvements in furnaces and fire-places.

No. 226.—John Marshall, Civil and Mechanical Engineer, Pentonville Road, in the County of Middlesex, for improvements in the expression of oil from oil-yielding substances, and in the production of oil cake and other residuary matters.

No. 227.—David Wilson, Merchant of Colombo, Ceylon, for improvement in Machines for manufacturing or separating coir fibre from the husk of the cocoanut.

No. 216.—George Alfred DePenning, Civil Engineer, Calcutta, for improvements in Presses for compressing fibres and other materials.

No. 1980.

*The 2nd March 1865.*

The Governor General in Council is pleased to permit Mr. W. J. Allen to resign the Civil Service from the 9th instant.

No. 1981.

The Governor General in Council is pleased to permit Mr. T. C. Trotter to resign the Civil Service from the 6th instant.